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Class No... 340 ...

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JOINT COMMITTEE  
ON INDIAN CONSTITUTIONAL REFORM

[SESSION 1932-33]

VOLUME IIC

MINUTES OF EVIDENCE

given before the Joint Committee on

INDIAN CONSTITUTIONAL  
REFORM

[Questions 8681—11,209  
,, 12,055—12,720  
,, 13,549—13,691  
,, 14,400—15,362  
,, 15,777—17,339]

and before Sub-Committees A, B, C and D of the Joint Committee  
together with Appendix D

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*Ordered by The House of Lords to be Printed  
9th May, 1933*

*Ordered by The House of Commons to be Printed  
9th May, 31st July, 1933, and subsequent dates*

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LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses  
Admiral House, Kingsway, London, W.C.2, 120, George Street, Edinburgh 2  
York Street, Manchester 1; 1, St. Andrew's Crescent, Cardiff  
80, Chichester Street, Belfast  
or through any Bookseller

1934

Price £1 10s. od. Net

H.L. 79(IIC)  
H.C. 112(IIC)

	£	s.	d.
The cost of printing and publishing this Volume is estimated by the Stationery Office at ...	1,550	0	0
The cost of printing and publishing Volumes II <sup>A</sup> , II <sup>B</sup> , II <sup>P</sup> and III, and the preparation of the Index is estimated by the Stationery Office at	2,890	0	0
The cost of preparing for publication the Shorthand Minutes of Evidence and Discussions taken by the Committee was ... ..	1,485	8	11
The cost of duplicating Memoranda, Circulars, etc., is estimated by the Stationery Office at ...	42	0	0
The cost of other incidental typing, etc., was ...	77	12	1
The cost of repayment of Delegates, Witnesses and other incidental expenses was ... ..	18,752	0	0
	<hr/>		
Total ... ..	£24,797	1	0
	<hr/>		

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Present:

Lord Archbishop of Canterbury.	Major Attlee.
Marquess of Salisbury.	Mr. Butler.
Marquess of Zetland.	Major Cadogan.
Marquess of Linlithgow.	Sir Austen Chamberlain.
Marquess of Reading.	Mr. Cocks.
Earl Peel	Sir Reginald Craddock.
Lord Ker (Marquess of Lothian).	Mr. Davidson.
Lord Irwin	Mr. Isaac Foot.
Lord Rankellour.	Lord Eustace Percy.
Lord Hutchison of Montrose.	Miss Pickford

---

The following Indian Delegates were also present.—

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.	Sir Mirza Ismail.
Nawab Sir Liaqat Hayat-Khan.	Sir Manubhai N Mehta.
Sir Akbar Hydari.	Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness the Aga Khan.	Sir A. P. Patro.
Dr. B. R. Ambedkar.	Sir Abdur Rahim.
Sir Hubert Carr.	Sir Phiroze Sethna.
Mr. A. H. Ghuznavi.	Dr. Shafa' at Ahmad Khan.
Lieut.-Colonel Sir H. Gidney.	Sardar Buta Singh.
Sir Hari Singh Gour.	Sir N. N. Sircar.
Mr. M. R. Jayaker.	Sir Purshotamdas Thakurdas.
Mr. N. M. Joshi.	Mr. Zafrulla Khan.
Begum Shah Nawaz.	

The MARQUESS of LINLITHGOW in the Chair.

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*Chairman.*] My Lords and gentlemen, I apologise for the few minutes' delay, but one of the Witnesses has handed in a Memorandum at the last moment, and, unfortunately, there are not sufficient copies to go round the Committee and the Delegates. It is numbered 71. I would decline to take it at this stage, if I did not feel perfectly certain that the only effect of that refusal would be to have it read at length. Before we proceed to hear the Witnesses this morning, I should like the Committee and the Delegates to know that my Noble friend,

Lord Zetland, was good enough to hand me in this written question: "To ask the Lord Chairman if, in view of the representations on the subject of the Communal Award contained in the Memorandum of evidence put in on behalf of the Hindu Mahasabha and other organisations, questions to the Witnesses upon that subject will be in order"? As I informed the Noble Lord privately, I am bound to rule that such questions would be in order.

*Earl Peel.*] My Lord Chairman, does that mean, that we are at liberty to open

31<sup>o</sup> Julii, 1933.]

[Continued.]

up the whole of the question of the Communal Award?

*Chairman.*] It does.

*Marquess of Reading.*] That means not restricted in any way to the Poona Pact, but the whole of the Communal question, including the Government's Award.

*Chairman.*] Lord Reading will appreciate that I am dealing with a point of order, not of expediency.

*Marquess of Reading.*] Quite.

*Marquess of Zetland.*] May I say with regard to that, that I have not the slightest desire to open up the whole of the Communal Award, but there are certain questions which, in view of the evidence which has been put in by these witnesses, I should desire to ask with regard to the position in Bengal only. I do not want to go beyond Bengal at all.

*Sir A. P. Patro.*] If it is referred to in the case of Bengal, it will refer to all the other Provinces generally.

*Marquess of Salisbury.*] My Lord Chairman, I feel strongly of opinion that whatever may be the expediency of the matter, it is quite out of the question that, if we are asked to come to a decision as a Joint Select Committee upon this whole issue, we should exclude the Communal Award. That, evidently, is impossible. The point really arose a little earlier in our Proceedings, and I think the same opinion was expressed. I certainly earnestly hope that Lord Zetland will do what he thinks is right in the matter of the Communal Award.

*Mr. Butler.*] If we are to have a discussion on the Communal Award, perhaps, I ought to say that the position of the Government is no different from what has been expressed by the Secretary of State before.

*Mr. Zafrulla Khan.*] My Lord Chairman, we have naturally neither the right nor any desire to make a submission to the Committee as to what they shall do, and what they shall not do; of course, it is their right to put any questions they like; nor do I assume, merely from the fact that on the Procedure such questions are permissible, that the Committee necessarily wish to re-open the Communal Award; but I do wish to say this, at this stage, for the Committee's consideration, that, as the Committee is fully aware, at one stage the business of the Round Table Conference came absolutely to a standstill, owing to these Communal

questions not being settled; subsequently an Award was given. It may be, that the Award has not fully satisfied any section; perhaps, it could not have satisfied any section completely; but some of us desired to proceed with the consideration of the further stages of Constitutional advance, because an award had been given, and we thought the best course was to proceed on the basis of it, and we merely wish to say this at the present stage. That whatever the Constitutional position may be, and whatever the rights of the Committee may be, our association in these further stages is clearly based upon the Award being taken as a final pronouncement upon the matter.

*Sir N. N. Sircar.*] May I make a short statement which probably will shorten matters? I claim the right to put questions, if the Committee will allow it, on the Communal decision, but, as a matter of fact, I do not intend to put in any questions relating to the dispute between the Hindus and Muslims, because that does not depend upon any facts that are going to be proved by any Witness; but I do want to ask the Witnesses to give your Lordships the facts relating to the Poona Pact. There are two more observations I may be permitted to make as regards Sir Annepu Patro's statement as to its being mixed up, and so on, that the decision itself makes it quite clear that the result of one Province is not connected with the result in any other Province. The decision itself says that any change can be made in one Province as distinct from any other Province. As regards my friend, Mr. Zafrulla Khan's statement, I only venture to submit this: At the Round Table Conference we were trying to find out what was the greatest measure of agreement. It was open to us to say. Unless I get 100 per cent seats for Hindus, I will not take any further part. It is no good taking up that attitude. I beg of the Committee to enter into the merits of the question.

*Sir Abdur Rahim.*] My Lord Chairman, may I say one word about this? I have come here, not strictly speaking as a Member of the Muslim Delegation, but when I received the offer from His Majesty's Government to come and join the deliberations of the Joint Select Committee, the one great inducement was that this controversial question was out of the way. As a matter of fact, for some time I have not been taking any part at all in these Communal disputes,

31° *Julii*, 1933.]

[Continued.]

and I would not have thought of coming here and joining the deliberations, but for the fact that this question was out of the way, as I thought. Therefore, my position would be the same as that of Chaudri Zafrulla Khan, who has been speaking on behalf of the Muslim Delegation. But for the fact that I thought that this Communal question had been put out of the way once for all, so far as this proposed Constitution Act is concerned, I would not have come to this deliberation.

Dr. B. R. Ambedkar.] May I say just a word? I am glad that this wrangle, if I may use that expression, on this side is going to be confined only to the Poona Pact, and that Sir Nripendra Sircar does not propose to re-open the question of the distribution of seats between Hindus and Muslims; but might I say that the sentiments expressed by Chaudri Zafrulla Khan with regard to the attitude of the Muslims were exactly the sentiments that I have been expressing from the very beginning when I commenced to take part in the Round Table Conference, and that I, too, consented to join in the deliberations on the understanding that the Poona Pact was an accepted proposition? I do not object, of course, to Sir Nripendra Sircar putting the facts before the Committee, because I know I will also get an opportunity to rectify any errors; but, so far as my own position is concerned, I do not think that it would be possible for me to take any further part in the Proceedings of the Committee, if, for instance, the whole question was re-opened with regard to the representation of the Depressed Classes.

Sir Hari Singh Gour.] As the sole representative of the Hindu community from the Central Legislature, I wish to make my position perfectly clear. The Secretary of State stated the other day that, so far as His Majesty's Government are concerned, they felt bound by the Communal Award, but that it was open to the Joint Select Committee, as such, to go into the whole question, and that their discretion need not necessarily be fettered by the decision of His Majesty's Government on the subject. Taking that view, as a Member of the Indian Delegation co-operating with the Joint Select Committee, I should be guilty of a dereliction of duty if I felt constrained to preserve silence during the deliberative stage of discussions between the Joint Select Committee and the In-

dian Delegation on the whole question of the future Constitution of India, including the repercussion the Communal Award would have upon that Constitution, but, as no new facts can be elucidated at this stage from the Witnesses representative of the two Organisations of the Hindu and Muslim communities, I have decided to take no further part at this stage, reserving to myself the right of giving expression to such views as I consider necessary, at a future stage, when the consultation between the Joint Select Committee and the Indian Delegates will begin.

Mr. M. R. Jayaker.] May I say a few words? I just wish to state that on this side myself and a few of my friends do not propose to ask any questions relating to the Hindu-Muslim side of the Communal Award. We feel that if we were to go into that question, it would take hours and hours of questioning and cross-questioning, and I am anxious to save the time of the Committee. I have no desire to dictate to the Committee what they should do, because I know they have the power of going into the whole question. I am only speaking for the attitude of myself and a few friends on this side.

Sir A. P. Patro.] As one connected with the settlement of this Communal question for a long time, I will beg, and most earnestly appeal, to the Honourable Members of the Committee not to allow this question to be brought up again. After a great many struggles, trials and attempts, we failed, and we submitted our case to His Majesty's Government. The Award is passed, and the Award is generally accepted in India, and on the basis of that Award, we have all been arguing, and advocating, and placing our claims. It will be a great misfortune to the country if again an opportunity is given to re-open the whole matter; I, therefore, venture to appeal to the Members of the Committee to bear that in mind in the interests of peace, harmony and contentment in India. On behalf of all the agricultural population whom I represent. I beg to place this view of the matter before you for very very serious consideration.

Dr. Shafa' at Ahmad Khan.] My Lord Chairman, I associate myself with what Sir Anapu Patro has said.

Sir Henry Gidney.] I associate myself whole-heartedly with what Chandri Zafrulla Khan has said. At the Round Table Conference we came to an amic-

31<sup>o</sup> Julii, 1933.]

[Continued.]

able pact amongst certain of our communities, and other communities had the opportunity to join that settlement, but we have taken as final the settlement of the Government in the Communal Award.

Sir N. N. Sircar.] I beg your Lordship's permission to hand in at this stage the following letter from myself to the Prime Minister and a cablegram from Sir Rabindranath Tagore dated 27th July, 1933:—

# LETTER FROM SIR N. N. SIRCAR TO THE PRIME MINISTER.

St. James Court,  
Buckingham Gate,  
London,  
S.W.1.

14th December, 1932

MY DEAR PRIME MINISTER,

I am forwarding to you as requested, certain telegrams. The first telegram from 25 members of Bengal Legislative Council reads as follows:—

"Representation from 25 members of Bengal, Legislative Council Poona Depressed Classes Pact made without consulting Bengal Hindus. No Depressed Classes problem in Bengal as elsewhere in India, as found on careful examination by Lothian Committee. Ambedkar and others had no direct knowledge of Bengal conditions, where alleged depressed classes suffer no political disability. Poona Pact introduces revolutionary change, cutting at root of normal progress of Hindu society in Bengal. Earnestly urge necessity for modifying Poona Pact as affecting Bengal, as Lothian Committee Scheme meets Bengal situation fairly. Show this Premier.

"B. C. Chatterji, S. M. Bose, Maharaja Dinajpur, Maharaja Cosimbazar, Rajabahadur Nashipur, Narendra Kumar Bau, Syamaprosad Mukerji, Rai Bahadur Kamini Kumar Das, Satyendrakumar Das, Keshabchandra Banerji, Haridhan Dutt, Satishchandra Mukerji, Saratchandra Mitra, Anandamohan Poddar, Satishchandra, Roychowdhury, Hanumanprosod Poddar, Kishorimohan Chowdhury, Satyakinkar Sahana, Khetramohan Roy, Debrai Mohashai, Santisekhareswar Roy, Saratkumar Roy, P. Banerji, Surendranath Law, Saileswar Singhroy."

2. I showed the above telegram to Dr. Ambedkar, who in his turn received a telegram, copy of which reads as follows:—

"Regarding Bengal, Hindu friends cable for revision Poona Pact

for Bengal. *They defaulted twice*, once before Lothian Committee when they failed to give list of depressed classes. *Second when invited to Bombay September Conference nobody responded.* Now they raise false cry, besides they are unjustifiably afraid of Namasudras appropriating all seats. Further Bengal Government depressed population figure is 103 Lacs, vide Lothian Volume II, page 263, while we assumed for calculation of seats 75 lacs, vide Lothian. Poona Pact follows closely Lothian recommendations. Refer Mullicks note—Lothian Volume II, page 251. In Calcutta Thakkar found general Hindu feeling in favour of Pact. Hence Pact approved by Cabinet can't be revised."

"BIRLA & THAKKAR."

3. I have received two further telegrams, viz.:—

"Birlas cable to Ambedkar. Birla not acquainted with conditions in Bengal and has absolutely no representative character there. Poona Pact in allowing 30 seats to depressed classes in Bengal, number being equal to seats allowed to Madras, cannot be justified. Question of depressed classes in Bengal is certainly not at all acute and is absolutely different from that in other Provinces. Premier's Award on this question is utmost that Bengal can accept."

"Satishchandra Sen, Bijoykumar Basu, Satyendrachandra Ghosh Maulik, Amarnath Dutt, Satyendrachandra Mitra, Satyacharan Mukherjee, Satyendranath Sen, Jagadishchandra Banerjee, Naba Kumar Singh Dudhuria, Bengal Non-Mahomedan Representatives present in Central Legislature."

"AMARNATH DUTT."

"Bengal M.L.C.s who wired previously state Birla Thakkar cabled misrepresentations. Bengal Repre-

31<sup>o</sup> July, 1933.]

[Continued.]

sentative not invited to Conference leading to Poona Pact. Its terms astonished Bengal. Not being agreed, according Premiers formula, settlement cannot bind Bengal. Lothian Committee made enquiries which castes are untouchable and unapproachable in Bengal. Provincial Franchise Committee consisting Hindus Mahomedans correctly answered. Report Volume 2, page 230. Mullicks Note not placed before Committee, but prepared secretly. Mullicks classification of Bengal depressed different from other Provinces covering Subarnobaniks Sahas Mahishyas admittedly outside depressed category. Also England-returned Indians, Brahmo Samaj people, even Baidyas, Kayasthas contrasted against Brahmans. Bengal Public life free from caste consideration. High caste Hindus elected a Namasudra against Chatterjee 1923 at Madaripur. Deshbandhu disregarded orthodoxy marrying Brahman's daughter, but his following included all High caste people. Distribution of Namasudras *vide Calcutta Gazette* fourteenth July ensures their securing 20 reserved seats. Non-Namasudras alarmed at prospect. Namasudras Rajbansis rigidly exclude other depressed castes from social communion, and have less right to represent them, than high caste people who have worked for generation for their uplift. Poona Pact introduces political division Hindu Bengal, where none hitherto existed. Show Premier."

"CHATTERJEE AND OTHERS."

4. As I left India in August last, I have no personal knowledge relating to the Poona Pact.

5. In your "Communal decision" it was stated, "His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to revision of their decision and will not be prepared to give consideration to any representation aimed at securing modification of it which is not supported by all the parties affected."

6. Under your decision, the Hindus (including all alleged depressed classes) have been given 80 seats whereas Mahomedans get 119 seats, i.e., 50 per cent. more than Hindus. The European

interests get 25 seats, viz., 10 per cent. of the total seats, while they do not form any appreciable fraction of even one per cent. of the population. Factors of position, influence, education, etc., have apparently been considered, and legitimately considered in case of Europeans—but apparently no principle beyond the counting of heads has been considered between Hindus and Mahomedans. The latter claim to constitute 54 per cent. by inclusion of infants below 21 years, for, if adults are counted, Mahomedans have no appreciable majority, if at all.

7. Even if Mahomedans form 54 per cent. of the population, their getting 50 per cent. more than Hindus is explained by the fact of carving out of the special seats, 51 in number, in disproportionately large share from the Hindus.

8. The nature of the Special Seats, which include 25 for Europeans, 4 for Anglo-Indians, 8 for Labour, clearly does not lend itself to the suggestion that Hindus can make up their proper share in the total, from these seats.

9. I fully realise that having regard to the wording of your decision, arguments, however forcible, cannot be listened to, by you, but with the best of intentions, the decision operates very unfairly on Hindus—and that is all the greater reason why Bengal Hindus other than the Depressed Classes object to the whittling down of what has been given to them by your decision. I may be permitted to add that if for the sake of argument it is assumed that one community has got nearly 50 per cent. more than its share, it is idle to expect that it will give up its unjustified gain from any abstract considerations of justice.

10. The matter involved relates solely to a question of fact, viz., did the people now complaining agree to the modification of your decision? The laboured argument about agreement by alleged "defaults," it is submitted, has no force. In any case, it remains to be determined whether there has been any such default, from which it can be concluded that Bengal non-depressed classes have agreed to alter your Award.

11. It is submitted that the matter is too important to be dealt with on the footing, that the telegram of Birla and Thakkar represent facts correctly—facts which have been disputed. Nor does any agreement follow, even if these facts are taken to be substantially correct.

12. In the interest of the party aggrieved, an enquiry as to the fact of

31<sup>st</sup> July, 1933.]

[Continued.]

the non-depressed classes in Bengal being parties to, or being bound by the Poona Pact, should be made—whether through the Government of India or Bengal, or any other responsible and neutral Agency, is a matter of detail.

I am forwarding a copy of this letter to Dr. Ambedkar for information. As I have to leave England very soon, any acknowledgment of, or reply to this re-

presentation may be kindly directed to be forwarded to:—

MR. NARENDRA KUMAR BASU, M.L.C.

Bar Association,  
High Court, Calcutta.

Yours truly,  
(Sd.) N. N. SIRCAR,

Member, Indian Round  
Table Conference.

EXTRACT FROM CABLEGRAM FROM SIR RABINDRANATH TAGORE TO  
SIR N. N. SIRCAR DATED 27<sup>th</sup> JULY, 1933.

I remember to have sent a cable to the Prime Minister requesting him not to delay in accepting the proposal about Communal Awards submitted to him by Mahatmaji. At that moment a situation had been created which was extremely painful not affording us the least time or peace of mind to enable us to think quietly about the possible consequences of the Poona Pact which had been effected before my arrival when Sapru and Jayakar had already left with the help of members among whom there was not a single responsible representative from Bengal. Upon the immediate settlement of this question Mahatmaji's life depended and the intolerable anxiety caused by such a crisis drove me pre-

cipitately to a commitment which I now realise as a wrong done against our country's permanent interest. Never having experience in political dealings while entertaining a great love for Mahatmaji and a complete faith in his wisdom in Indian politics I dared not wait for further consideration not heeding that justice had been sacrificed in case of Bengal. I have not the least doubt now that such an injustice will continue to cause mischief for all parties concerned keeping alive the spirit of communal conflict in our Province in an intense form making peaceful government perpetually difficult.

RABINDRANATH TAGORE.

LETTER AND ENCLOSURES FROM DR. AMBEDKAR TO THE PRIME  
MINISTER.

Imperial Hotel,  
Russell Square,  
London, W.C.1.  
5th January, 1933.

MY DEAR PRIME MINISTER,

Sir N. N. Sirkar has been good enough to send me a copy of the letter dated 19th December, 1932, which he addressed to you just before his departure for India, in which he has laid before you for your consideration certain telegrams received by him from the Caste Hindus of Bengal protesting against the application of the terms of the Poona Settlement between the Caste Hindus and the Depressed Classes to Bengal on the ground that the Bengal Caste Hindus were not represented at that Settlement.

I had also received telegrams on behalf of the other side. Of these I had shown to Sir N. N. Sirkar one which had come from Messrs. Thakkar and Birla, who had acted on behalf of Mr. Gandhi in the

course of the negotiations that resulted in the Poona Settlement and the text of which has been quoted by him in his letter. I did not, however, like to trouble you with them, firstly because His Majesty's Government, having accepted the Poona Settlement, the matter, in my opinion, was closed, and secondly because I was assured by Sir N. N. Sirkar that he would do nothing more than forward the telegrams received by him for your information. But as Sir N. N. Sirkar has not contented himself merely with forwarding the telegrams, but has urged that "the laboured argument about argument by alleged default" used by Messrs. Thakkar and Birla in their telegram has no force and has ended with a plea "that any enquiry as to the fact of the non-depressed classes in Bengal being parties to, or being bound by the Poona Pact, should be made . . . through the Government of India, or Bengal, or any other responsible and neutral agency," I



31° July, 1933.]

[Continued.]

feel called upon to place my views on the question raised by him.

My first submission is that assuming that the Bengal Hindus were not represented at the Poona Settlement it cannot for that reason alone make it inapplicable to Bengal. Paragraph 4 of the Communal Decision of His Majesty's Government under which they had provided for an agreed settlement to supersede the terms of their award did not, in my opinion, stipulate that in respect of an alternative scheme for the whole of British India—and the Poona Settlement, it must be remembered, was for the whole of British India—mutual concurrence of the two sections of the Hindu—Caste and Depressed—province for province was a necessary condition for its acceptance. Indeed, I go further and say that such a stipulation is not postulated in the Communal Decision even for a settlement in respect of a single province. According to my reading of paragraph 4 all that is stipulated is that His Majesty's Government should be satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme. Taking my stand on this interpretation of paragraph 4, I venture to say that the absence of the representatives of Bengal Caste Hindus cannot derogate from the applicability of the Poona Settlement to Bengal. If the contrary interpretation were true it would then be open to the Depressed classes of Punjab, U P and Bihar and Orissa to repudiate the Poona Settlement, for they were not represented at all.

My second submission is that it is really not necessary to proceed on the assumption that the Bengal caste Hindus were not represented as is alleged by the signatories to the telegram forwarded to you by Sir N. N. Sirkar. I know for a fact they were represented and the statement of Messrs. Thakkar and Birla in their telegram that the Bengal Hindus did not respond to the invitation sent to them—a statement on the basis of which Sir N. N. Sirkar has founded his plea for an inquiry is incorrect. What is more important to bear in mind is that these representatives of Bengal were not merely present as silent spectators, they were active participants in the negotiations. I very well remember one of them came to me in Bombay accompanied by a Bengal Depressed Class youth of the Raja Party and had a private conference with me for nearly an hour and a half in the course of which he urged me to

come to terms with the Caste Hindus on the basis of joint electorates. It is, therefore, quite untrue to say that the Bengal Caste Hindus were not represented, and the inaccuracy in the statement of Messrs. Thakkar and Birla must be attributed to the impossibility of keeping in touch with all the details of the negotiations which, having regard to the momentous character of issues involved, is quite excusable. I am sorry I am not in a position to give you the name of the Bengal Caste Hindu gentleman who had this conference with me. But I will let you have his name immediately after my return to India.

There is therefore no case for reopening the Poona Settlement on behalf of the Caste Hindus of Bengal. As for the Depressed Classes, their spokesman, Mr. M. B. Mullick, has cabled to me that they accept the Poona Pact. His telegram and the telegram of Messrs. Thakkar and Birla are enclosed herewith in original for your information. I am leaving for India next week. Any further communication which you may wish to have with me in connection with this matter may be sent to my address in Bombay, which I give below for ready reference.

Yours truly,

(Signed) B. R. AMBEDKAR.

Address. Damodar Hall,

Parel,

Bombay, 12, India.

COPY OF TELEGRAM.

Dated 1 Dec. 1932.

L774. Delhi. 118.29.2020.

DLT Doctor Ambedkar, India Office,  
London.

Regarding Bengal Hindu friends cable for revision Poona Pact for Bengal they defaulted twice one before Lothian Committee when they failed to give list of Depressed Castes second when invited to Bombay September Conference nobody responded now they raise false cry besides they are unjustifiably afraid of Namsudras appropriating all seats further Bengal Govt. depressed population figure is 103 lacs vide Lothian

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[Continued.]

volume two page 263 while we assumed for calculation of seats 75 lacs vide Lothian Poona Pact follows closely Lothian recommendations refer Mullicks note Lothian volume two page 251 in Calcutta Thakkar found general Hindu feeling in favour Pact hence Pact approved by Cabinet cant be revised — BIRLA and THAKKAR.

COPY OF TELEGRAM.

Dated 26 Dec 1932

WLT Ambedkar, Indian Conference, London.

Bengal Depressed Classes accept Poona settlement so do Hindus Council Hindus representation malafide perverse.—  
MULLICK

Dr B. S. MOONJE, Mr. B. C. CHATTERJEE, Mr. J. L. BANNERJEE, Mr. G. A. GAVAI, RAI SAHEB MEHERCHAND KHANNA, Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND, are called in, and examined as follows —

*Chairman.*

8681 Gentlemen, you are good enough to appear this morning. Mr. Deshmukh, you have handed in Memoranda 58 and 59. Mr. Gavai is here. RAI SAHEB MEHERCHAND KHANNA hands in Memorandum 71. Mr. Bannerjee is here, and

hands in Memorandum 68. Mr. Chatterjee is present and puts in Nos. 61 and 62. Dr. Moonje supplies us with 57. Pandit Nanak Chand puts in No. 60, and Mr. Parmanand is responsible for No. 63. Is that correct?—(Dr. Moonje) Yes. They are as follows:—

#### MEMORANDUM 57 BY THE (ALL INDIA) HINDU MAHASABHA

1. The attention of the Joint Parliamentary Committee is respectfully drawn to the several statements of Dr. B. S. Moonje and Raja Narendra Nath both Members of the Round Table Conferences, which are published as appendices to the Reports of the Minorities Sub-Committee of the first and second Round Table Conferences. These statements contain all what the Mahasabha has to say on the minorities problem generally.

In this connection particular attention is drawn to the facts:

(a) That since 1916 an agreement, of mutual consent in brotherly friendship between Hindus and Moslems known as the Lucknow Pact, is in actual operation through the present Government of India Act.

(b) That it is the Moslems who are now repudiating this pact of mutual agreement. The Hindus object to such unilateral repudiation.

(c) That even the Simon Commission have practically supported this very reasonable opposition of the Hindus in their recommendations in respect of the Lucknow Pact and hold the view that until a new pact of mutual agreement is arrived at, the old pact, called the Lucknow Pact, must stand.

Under the circumstances the British Government should say, as did the Right Honourable Mr. Thomas, Secré-

tary for the Dominions, in his speech on the Irish question for similar reasons, in the House of Commons on the 4th of July, 1932:—

“But we will not be a party and cannot be a party to allowing a question of this kind which is a solemn obligation made between two people to be treated simply as if it were a scrap of paper.”

Neither party has a moral right to repudiate the pact and if solemn pacts pledging the honour and word of peoples are allowed to be repudiated and treated as a scrap of paper in easy conscience, peaceful and ordered conditions of life will vanish and civilized life itself, as has been so truly said by the Right Honourable Mr. Thomas, will be made impossible.

#### 2. DECISION OF THE BRITISH GOVERNMENT ON THE COMMUNAL PROBLEM.

This decision is most unjust to the Hindus generally and to the Hindu minorities particularly for the following reasons:—

(a) That in provinces where the Moslems form minority communities, weightages sanctioned under the present Government of India Act have not only been generally maintained but in the provinces of U.P., Bihar and C.P., there is even slight increase in those weightages.

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[Continued.]

(b) That while maintaining these weightages for the Moslem minorities, the representation which was given to the Hindu minorities of the Punjab and Bengal under the present Government of India Act has been very much reduced; and not only no weightage is given but the representation that is now provided by the White Paper for the Hindu Minorities in Punjab and Bengal is even below what they are entitled to on the population basis in their respective provinces.

(c) That in the Punjab and Bengal where the Moslems form the majority communities, provision has been made for guaranteeing majority by statute, though indirectly to the Moslems majority in Punjab and for guaranteeing a large majority by statute to the Moslem majority in Bengal over the Hindu minority who have been thus deprived of all possible constitutional means of converting their minority into political majority.

(d) In Bengal the Moslems form 54.8 per cent of the population and the Hindus and others, that is, Budhists, Jains, Jews, Sikhs, Animists form 44.8 per cent of the population. The Hindus have not been given representation even in proportion to their population. Educationally and culturally they are most advanced. Their contribution to Public Revenues is the largest. They play a much more important part in the field of commerce and industry than the Mohommadans. According to the calculation of Sir N. N. Sircar, Member, Joint Parliamentary Committee, out of 34 seats assigned to special constituencies, no more than 11 seats will come to the Hindus, nine are likely to go to the Mohommadans and 14 to Europeans and Anglo-Indians. So out of a House of 250 Hindus get only 91 seats, that is to say, 36.4 per cent., Christians, including Europeans and Anglo-Indians, who form .36 per cent. of the population and should get only one seat on the basis of their population, get 31 seats, which means a weightage of 3100 per cent. Such a weightage is out of all proportion to whatever considerations they may be entitled to for their share in Commerce, but all these considerations are entirely ignored

where the Hindus are concerned. Over and above all this comes the Poona Pact which is based on the figures given in column 6, page 119, of the Indian Franchise Committee's Report. These figures, as shown in the Report, are under revision. If test of untouchability, which ought to be the only test as prescribed by the Indian Franchise Committee is employed, the population of the Depressed Classes might be found to be .07 million only. Therefore the number of seats for the Depressed Classes should be fixed after a fresh enquiry to determine exact number of untouchables is ordered and its results are known.

(e) That on the contrary in the Central Legislature the All India Hindu majority has been reduced to an absolute minority, as will be evident from the following —

(1) The Simon Commission allocated 150 seats to the Hindus including the depressed classes out of a total of 250 in the Central Legislature, that is, 60 per cent.

(2) The Government of India Despatch provides for 80 seats for Hindus including depressed classes out of 150 seats to be returned by general territorial constituencies in a House of 200, that is 53 per cent. Besides, out of the remaining 50 seats, the Hindus could expect to get about 25 seats. Thus the proportion of the Hindus would have been about 60 per cent.

(3) The White Paper provides for only 105 seats for Hindus including depressed classes out of 250 seats reserved for the British India side of the Federal Assembly, that is, only 42 per cent. This percentage may rise to 45 per cent., if the Hindus likely to be returned from special constituencies are to be added.

(f) That Sindh has been separated ignoring the unanimous and determined opposition of the Hindu minority of Sindh, who were not given a chance to send any representative to any of the three Round Table Conferences and also the British Indian Delegation to the Joint Parliamentary Committee to present their case, though the Sindh Moslems were given two, if not three, representatives on the Round Table Conference. Thus the decision of

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[Continued.]

separating Sindh is an ex-parte judgment in its pure and naked form.

(g) That separated Sindh being pronounced officially to be a deficit province with yearly deficit of not less than Rs. eighty lacs, it will be another piece of injustice if the deficit be made good by a subvention from the revenues of the Central Government to which the largest contribution is made by the Hindus of India, who are opposed to separation equally with the Hindus of Sindh.

N.B.—

If Sindh must be separated, then the following proposals are made in the interest of justice to the Hindu minority:—

(a) That after a lapse of five years after separation an enquiry should be made on the following lines:—

(1) Has the efficiency of administration been maintained at the same level at which it was when Sindh formed a part of Bombay Presidency.

(2) Has there been the same progress in nation-building departments as there is in Bombay.

(3) Does the minority community enjoy the same degree of security of life and property as it did when Sindh formed part of Bombay.

(4) Is the province financially solvent and sound.

(b) That the constitution should provide *inter alia* for the re-amalgamation of Sindh with Bombay if the results of the enquiry mentioned above are not satisfactory.

(c) That proposals for taxation should not be such as to throw a disproportionately heavy burden on the minority.

(d) That the majority community should get no preferential treatment for

(1) Recruitment to Services.

(2) Admission to Educational institutions.

(3) Acquisition of property

(e) That discriminatory laws like the Land Alienation Act should be interdicted.

(h) That similarly ex parte decisions have been taken in respect of the N.W.F. Province without giving any chance to the Hindu minority of the province to represent

their case at the Round Table Conference. The Moslem majority of province was represented on the conference by a powerful and influential representative, the Hon. Sir Abdul Quayum and the Hindu majority was not given any representative at all.

In view of special Imperial conditions for which the N.W.F. Province was separated from Punjab, special safeguards should be provided for the protection of the Hindu minority and the maintenance of Law and Order (Please see statement about N.W.F.P.)

#### 4. SEPARATE VERSUS JOINT ELECTORATES.

The Mahasabha has a fundamental objection to separate electorates but desires it to be particularly noted that the scheme of separate electorate was devised for the protection of a minority community. A community which is in majority in any province is not, therefore, legitimately entitled to demand separate electorates. A minority community should be given the right to demand joint electorates with the majority community, should it consider it needful for its protection, irrespective of the consent thereto of the majority community. In such circumstances, the seats for the minority community may be reserved in Joint electorates on the basis of their proportion in the population of the province and the community should be given the right to contest additional seats.

#### 5. FUNDAMENTAL RIGHTS.

(a) The Hindu Mahasabha stands for making provision in the constitution for full protection of the different cultures, religions, languages, scripts and personal laws of the different minorities.

(b) As for civic and economic rights, none shall be prejudiced by reason of his caste or creed in acquiring or enjoying those rights which should expressly include the rights of owning, purchasing, or disposing of landed properties in the open market without any restrictions of any kind whatsoever and the freedom of choice of any profession or calling. All laws existing at present in India based on caste discriminations and acting prejudicially to the enjoyment of these rights should automatically lapse.

(c) That no person shall be under any disability for admission to any branch of public service merely by reason of his religion or caste.

(d) Membership of any community or caste or creed should not prejudice any

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[Continued.]

person for purposes of recruitment to public services or be a ground for non-admission, promotion or supersession in any public service or to any public institution.

#### 6. PUBLIC SERVICES.

There should be no communal representation in the Public services which must be open to all communities on the basis of merit and competency ascertained through open competitive tests. Recruitment to Services should be made on considerations of highest efficiency and qualifications necessary and available for any particular service by open competition, thereby securing the two-fold object of maintaining the services on a high level of efficiency and leaving open a fair field of competition to all communities to secure fair representation on the basis of merit and efficiency. The public services constitute the soul of self-Government. It will not be safe to have less efficiency in administration, than at least what prevails under British responsibility. Considerations, therefore, of maintaining efficiency in administration at the highest possible standard make it obligatory to demand the highest necessary qualifications requisite for any particular service from those who offer themselves for recruitment to public services, irrespective of cast and creed.

#### 7. PROBLEM OF DEPRESSED CLASSES.

It is purely a domestic question of the Hindu Society based, as it is, on the Hindu custom of untouchability and unapproachability. Of late there has

come upon the Hindus mind a vast change which is striking at the very root of the custom by throwing open temples to the so-called depressed classes.

The best solution of the problem which is also least offensive to constitutional purity in reservation of seats for them is Joint Electorates with the Hindus on the basis of their proportion in the population.

What is needed is fixation of the definition of the term depressed classes to untouchability and unapproachability and then to ascertain in each province as to which of the caste should be included in the depressed classes.

#### 8. THE POONA PACT AND THE PUNJAB HINDUS.

The Hindus of Punjab have always contended that there is no depressed classes problem in the Punjab on account of several factors operating against the custom of untouchability, such as the Arya Samaj movement, the Sikh movement and Reform movements amongst the Hindus. This contention of the Hindus was supported by the Local Government and the Government of India. The Communal decision accordingly on the support of the Government of India refused to create depressed classes question in Punjab but, unfortunately, owing to the fast of Mahatma Gandhi and the natural anxiety of the people to save his life, the Poona Pact was hurried through. The Poona Pact should, therefore, be amended so far as the Punjab question is concerned to restore the status quo ante.

### SUMMARY STATEMENT OF THE HINDU MINORITY OF THE NORTH-WEST FRONTIER PROVINCE, SUBMITTED TO THE JOINT PARLIAMENTARY SELECT COMMITTEE, LONDON.

The minority community—the Hindus—of the North West Frontier Province are in general agreement with the statement of the All India Hindu Mahasabha on the constitutional problem already posted by the last air mail. But they wish to supplement it by submitting a special statement concerning the special needs of the province which is as follows:—

#### FRONTIER HINDUS ARE THE REAL GATE-KEEPERS OF INDIA.

The Hindus and the Sikhs in the settled Districts of the Frontier Province are 185,487 out of a total population of 2,425,076, thus forming a little less than

8 per cent. of the entire population. But their importance in the province cannot be measured by their mere numbers. By culture, civilisation, race and religion, the Hindus and the Sikhs of the North West Frontier Province, are the kinsmen of the rest of the Hindus in India, who form 75 per cent. of the total population of this vast country. Pathans on the other hand who form the majority community in the province are allied in their race, culture, language, tradition and religion with the Pathans of the Tribal Territory and of Afghanistan beyond it.

31<sup>o</sup> Julii, 1933.]

[Continued.]

Comparing between these two peoples, the Hindus and the Pathans of the province, the balance is heavy in favour of the Hindus in respect of all what counts in estimating the political worth of a people, such as, character, education, wealth, enterprise and above all its innate sense of racial affinity which invariably arises supreme and becomes uncontrollable during times of real emergencies.

In deciding the details of the constitution of this province the fact that should count most is—what will be the natural political reaction of these two different peoples? It is all the more important to bear this in mind because the province forms the gateway to possible foreign invasions. On emergencies like these, who will be the real gate-keepers of India?

It is the Hindus and Sikhs of the province who in their kinship with the Hindus and Sikhs of this vast country, called the Hindustan, the land of the Hindus, are the real and most reliable gate-keepers of India. Pathans, on the other hand, are the most unreliable in this respect. History gives ample proofs of this fact. It is not very long ago when this fact again came vividly to the notice of the people and the Government in 1919, i.e., hardly fourteen years ago, when King Amanulla of Afghanistan invaded India, the Pathan Tribal Militia, in maintaining which in contentment vast sums of money were spent by the Government, immediately and unceremoniously went over to the side of the enemy and the British Indian troops were compelled to evacuate military posts and stations in the Tribal territory which at once joined hands with Afghanistan in invading India. Consequently it is the Hindus and the Sikhs of the North West Frontier who are the real gate-keepers of India. Imperial interests, therefore, require that the Hindu-Sikhs minority of the province should not be weakened and suppressed. On the other hand, the more their political worth is cultivated, the more will be assured the closing of the gates against foreign invasions and their ultimate invulnerability.

#### THE HINDUS HAVE HEAVY STAKES IN THE FRONTIER PROVINCE.

It must be realised that the Hindus and the Sikhs, though small in numbers, have very large investments in the province. They hold vast and valuable properties, both in towns as well as in the rural areas. They have invested very large amounts of money in advances

as loans to the agriculturists who are predominantly Moslems. They have also invested very large amounts of money in the Public Debt of the country. Besides, in the future public loans of the province, it is they who have the means to contribute most. Along with the Moslems they are also co-partners in owning the National Assets of the province, such as, Agricultural Lands, Irrigation Canals and Forests. The Hindus and Sikhs contribute to the State more than 80 per cent. of the taxes on incomes, and it is they who contribute mostly towards the Stamps, Excise and Registration Revenues. As cultivators and land owners they are also interested in the agricultural development of the country. But trade and commerce of the province are almost entirely in their hands. With all these stakes it is evident that the Hindus and the Sikhs living in this province and deeply interested in its financial stability, being a richer community, and being engaged in the peaceful occupation of trade and commerce it is the Hindus and Sikhs that are more often the victims of raids and dacoities by the Pathans. They are consequently more vitally interested in the maintenance of Law and Order in the province. It is in their vital interest that there should be in the province an efficient Police and a strong and impartial Judiciary.

It is true, under the New Constitution, the Governor will be a more effective member of the Cabinet in the Frontier Province, than he would be in any other province. It is true that the Governor as member and President of the Provincial Cabinet with the powers vested in him will be able to look after and safeguard all India and Imperial interests. But imagine a situation, when the Cabinet has to deal with a Pan-Islamic problem, or a problem which touches the interests of tribal or Afghan Pathans, and when in the solution of this problem the interests of the Empire and India on one hand and Pathans as a people on the other hand come into conflict. The Governor will undoubtedly be able to over-rule the Cabinet, and act independently in the exercise of his reserved and special powers, but it cannot be denied that he will be entirely isolated. It is not always right for the Governor to act against the united wishes of his own Cabinet. It would land him into serious political and constitutional difficulties with his Legislature. It is

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[Continued.]

therefore essential that the Governor should have by his side a Minister on whom he should be able to count for support whenever any question Pan-Islamic, International or Imperial problems comes up for discussion in the Cabinet. Who else could he be but a Hindu or a Sikh?

It is suggested that there should be three Ministers in the Cabinet of the Province, viz :—

1. A Finance Minister in charge of the Departments of Land Revenue, Irrigation, Forests, Income Tax, Excise, Stamps and Registration which are all revenue-producing Departments

2. A home Minister in charge of the protective Departments, such as Police, Jails, Justice and General Administration, and

- 3 A Development Minister for the remaining Departments which constitute the beneficent Departments.

Such an arrangement is essentially necessary in the interest of efficient administration of the Province. It is not good policy, as is the practice at present, to put the Finance Member in charge of Police, Jails and Justice, etc.

Taking all these facts of the situation into consideration, the particular demands of the Hindu and Sikh minority of the Province —

1. That there should be a statutory provision in the constitution, or a provision in the Instrument of Instructions to the Governor of the North West Frontier Province, as is proposed to be done in connection with the provincial subvention, to the effect that he should so constitute his Provincial Cabinet, as to contain one member from the Minority Community of the Province, the Hindus and Sikhs.

The inclusion of a Hindu in the Cabinet of the North West Frontier Province is absolutely necessary, for the following reasons —

- (a) The Imperial interests of the Government require that the Governor in this Province should have for advice and support in the Cabinet one non-Moslem Minister.

- (b) The financial stake of the Hindus and Sikhs in this Province, who own extensive and very valuable properties in this Province, and who have invested huge sums of money in loan advances to the agriculturists

of this Province who are almost entirely Moslems, require that one Hindu should be in the inner councils of the Frontier Government, that is, in the Cabinet

- (c) The Hindus are invariably made the victims of raids and dacoities by the Moslems as if by choice or intentional discrimination and as such they are therefore more vitally concerned in the maintenance of peace and tranquility and efficient administration of the Police, Jails and Justice Departments.

- (d) The Commercial and Trade interests of the Hindus who are still the pioneers and leaders in commerce and trade of the Province require that communications in the Province are well kept and amplified. The maintenance of the provincial roads in proper condition and their amplification are thus a vital concern with the Hindus.

- 2 That in view of the manner of recruitment to Public Services which has affected the Hindu-Sikh minority most prejudicially though they are far more advanced in education than the Moslem majority, appointment of a Public Service Commission for the Province is an absolute and immediate necessity.

If however the finances of the Province do not permit the establishment of a separate Public Service Commission the recruitment to public Services in this Province should be handed to the Public Service Commission of the Central Government and the necessary financial adjustments be made as may be needed

- 3 That seats should be reserved for the Hindus and Sikhs in District Boards.

It is the Hindus and Sikhs who make the largest contribution to the finances of the district boards in proportion to their numbers. Being mostly traders and merchants, they are scattered all over the Province in the rural areas and as such they are vitally interested in the maintenance of District Board Roads in proper condition.

- 4 That a Special Officer Commanding the confidence of the minority community of Hindus and Sikhs and responsible to the Governor should be appointed as early as possible to look after the interests of the minority communities.

This officer should have authority to receive and investigate into complaints re-



31<sup>o</sup> Juhī, 1933.]

[Continued.]

ceived by him. He may have no executive authority but he should have a right of audience with Heads of districts, Heads of the Departments and Ministers and the Governor, and his function should be to bring to their notice the legitimate grievances of the Minorities. Such an arrangement would lighten the work in this matter of the Governor and would also provide a quiet but effective method for removing communal troubles in the administration.

5. That in view of the fact that the Central Government will be no longer be responsible for the administration of the province, though it will have to give a substantial subvention to supplement the revenues of the province for the carrying on of even day-to-day administration of the province, the following proposals are made in the interest of justice to the Hindu-Sikh minority.

(i) That a provision be made for the appointment of a Commission of Enquiry after a lapse of five years for ascertaining the condition of the minority community on the following lines:—

(a) Has the efficiency of administration been maintained at least at the same level at which it was when the Central Government was

directly responsible for the administration of the Province?

(b) Has there been the same progress in nation-building departments, and

(c) Does the minority community enjoy the same degree of security of life and property as was the case when the Central Government was directly responsible for the administration of the Province?

(ii) That a provision should be made inter alia for the retransfer of the administration of the Province to the Central Government or for its re-amalgamation with Punjab, if the results of the enquiry mentioned above are not satisfactory.

(iii) That proposals for taxation should not be such as to throw a disproportionately heavy burden on the minority.

(iv) That the majority community should get no preferential treatment for

(1) Recruitment to Services.

(2) Admission to Educational institutions.

(3) Acquisition of property.

(v) That discriminatory laws like the Land-Alienation Act should be interdicted.

#### STATEMENT OF THE HINDU MAHASABHA ON THE CONSTITUTIONAL PROBLEM.

1. The unrest in India is entirely political. Other causes, such as the economic depression, Hindu-Moslem tension, etc., have merely added to the miseries arising from the political struggle. People have set their heart on full Responsible Government with Dominion Status, and until this is achieved there will be no peace and contentment in the country. They believe that with the attainment of their freedom will disappear the Hindu-Moslem tension and a new era of prosperity and contentment will dawn, bringing in its train complete metamorphosis of their entire economic life in which chronic economic depression and unemployment will soon vanish.

2. Great hopes were raised in this direction. The Mahasabha expects that the Government will redeem the often repeated pledges and declarations made to the people of India that the objects of the Constitutional Reforms is Re-

sponsible Self-Government and Dominion Status, subject to safeguards for a period of transition, demonstrably in the interest of India. These pledges and declarations are conveyed to the people in the speeches and statements made by responsible officials, on behalf of His Majesty's Government as the following quotations from them will show:—

(a) Viceroy Lord Irwin says in his statement, issued on 31st October, 1929:—

“But in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the Status of 1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of Indian Constitutional progress, as therein con-



31<sup>o</sup> July, 1933.]

[Continued.]

templated, is the attainment of Dominion Status."

(b) The right Honourable the Prime Minister, in his statement made in the House of Commons on behalf of the present Government, to which the present Parliament also is committed, says—

"The view of His Majesty's Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provision as may be necessary to guarantee *during a period of transition* the observance of certain obligations and to meet other special circumstances and also with such guarantees as are required by minorities to protect their political liberties and rights."

"With regard to the Central Government I made it plain that subject to defined conditions, His Majesty's late Government were prepared to recognise the principle of responsibility of the Executive to the Legislature, if both were constituted on an All-India Federation basis. The principle of responsibility was to be subject to the qualification that in existing circumstances, defence and external affairs must be reserved to the Governor-General and that in regard to the finance such conditions must apply as will ensure the fulfilment of the obligations incurred under the authority of the Secretary of State and the maintenance unimpaired of the financial stability and credit of India."

Thus the concrete points that stand out from the statements to which His Majesty's last and present Governments and the present Parliament are committed are as follows—

(a) That the Central and Provincial Legislatures will become responsible for the future Government of India, that is, the Executive will be responsible to the Legislatures, if both were constituted on an All-India Federal basis, subject to the following reservations.—

(1) That there should be a period of transition

(2) That during the period of transition—

(i) Defence and external affairs should be reserved to the Governor-General; and

(ii) In regard to Finance such conditions must apply as would ensure the fulfilment of the obligations incurred under the

authority of the Secretary of State and the maintenance unimpaired of the financial stability and credit of India.

(3) That there should be guarantees to protect the political liberties and rights of the minorities.

3. There is general agreement on these points subject to the following.—

(a) That the application of the principle of responsibility of the Executive to the Legislature should not be made to depend irrevocably on an All-India Federation.

Such Federation is warmly and sincerely welcomed and the various advantages accruing from it are fully appreciated. But who knows what influences may be working to delay, if not actually prevent, its early realisation? Let, therefore, the scheme of responsibility of the Executive to the Legislature be made applicable to start with, to British India, leaving ample room in the Constitution for the Princes to come in and occupy their places with whatever adjustments that may be needed for mutual benefit and accommodation. This will save time and prevent delay and the people will be assured of observance of British pledges.

(b) That the period of transition should not be left undefined. It should not be of more than 10 years.

(c) That in the meantime an impartial arbitration be appointed to investigate into the obligations incurred under the authority of the Secretary of State for India which India is called upon to discharge.

(d) That after 10 years' experience of responsible Government people could be safely trusted to carry on the administration of the country in such a way as to ensure the maintenance unimpaired of the financial stability and credit of their own motherland.

(e) That it should be provided that Ministers in charge of the reserved subjects, during the period of transition, though responsible only to the Governor-General, should be selected from amongst the elected Indian members of the Legislature, so that the period of transition be utilised by the people for learning the art of control and administration of these departments.

31<sup>o</sup> Julii, 1933.]

[Continued.]

(f) That in accordance with the decision of the Defence Sub-Committee "With the development of the new structure in India, the defence of India must to an increasing extent be the concern of the Indian people and not of the British Government alone."

(1) Provision be made for complete Indianisation of the Indian Army within 30 years at the most, and

(ii) The yearly intake of cadets for the Military College established in India should not be limited to only 60 as has been fixed by the Government of India.

In this connection it should be noted, as has been said more in detail in the note of dissent of Dr B. S. Moonje on the Report of the Indian Military College Committee that a scheme was prepared and considered feasible, it is said, by the Government of India, of complete Indianisation of the Indian Army in 30 years. Thus no higher authority could be quoted in support of limiting the period of Indianisation to not more than 30 years.

The general principle should be accepted that all yearly recruitment to the commissioned ranks of the Army, Navy and Air Force of the Indian Army be made by open competition in India from amongst the Indians, subject always to the standard of fitness and efficiency as is applicable to British cadets, provided that it shall be open to the Government to make recruitment in England to fill up such of the vacancies as could not be filled up in India and to regularise it in accordance with the schemes of complete Indianisation in 30 years as mentioned above.

(g) That provision should be made for the immediate removal of the bar that exists against recruitment as rank and file in the Army of certain classes and castes based on the artificial distinction as belonging to the so-called martial and non-martial classes thus throwing open the ranks of the army to all classes and castes, subject always to the prescribed tests of efficiency, so that the army be made truly national.

4. When the White Paper is studied and analysed in this light, certain points stand out which enable the people to visualise that there is no improvement

in their constitutional status and that what is provided in the proposals of the White Paper is mere increased association of the people with the Government of the country for which, in its essence, it is the British Crown through its Agents and not the people are responsible. Some of the most important of these points are pieced together briefly in the resolution adopted at the Joint Conference of the Members of the Working Committee of the Hindu Mahasabha and the Hindu Members of the Central Legislature with which the Hindu Mahasabha is in entire agreement.

The resolution is as follows:—

This Conference puts on record its deliberate opinion that the constitution of India as foreshadowed in the White Paper will not allay but increase discontent as being most disappointing and inadequate and even retrogressive for the following reasons —

(a) That there is no advance in the constitutional status of India, and the whole of the conception of the constitution is based on the assumption that India is a conquered territory belonging to the Crown of England and is to be administered, not in the interest of India, by the agents of the Crown.

(b) That the constitution does not even remotely or in any sense approximate to a Dominion Constitution which the Government is pledged to grant by Parliamentary declarations.

(c) That though it was agreed that the introduction of Central Responsibility leading to Dominion Status should be accompanied during a period of transition by safeguards which should be demonstrably in the interest of India the period of transition is not provided nor is it fixed and the safeguards are not conceived in the interest of India.

(d) That the Central Responsibility is made dependent on the one hand, ultimately on the will of the Princes and on the other, on the World economic conditions making the establishment of the Reserved Bank possible and on its successful working and also more particularly on the will of the Houses of Parliament to present an address, if and when they so choose to His Majesty praying for His Majesty's proclamation announcing the establishment of the Federation.

31° July, 1933.]

[Continued.]

(e) That provision has been made for endowing the Governor-General with extraordinary powers described under the categories called: (a) Reserved Departments, (b) Special Responsibilities, (c) Discretionary Powers, (d) Special powers, and (e) Legislative powers by which the Governor-General can make acts without the consent of or even reference to Legislatures and can obtain funds at his own individual judgment and will.

(f) That the authority of the Governor-General to appoint Counsellors for the administration of Reserved Departments of Defence and Foreign Affairs is not limited to choice of his Counsellors only from amongst the elected Indian members of the Legislatures.

(g) That the Federal Legislatures has been denied the power of constituting a Railway Board by a Statute of its own for the administration of the Federal Railways.

(h) That the responsibility of the Finance Minister already circumscribed as it is by making more than 80 per cent. of the revenues non-votable has been further seriously crippled by the appointment of a Financial Adviser to the Viceroy.

(i) That no provision has been made for complete Indianisation of the Army within a reasonable period.

(j) That powers are still retained in regard to the recruitment and control of Public Service, the Police Service and other Services, by the Secretary of State for India, which being the steel frame of the constitution are incapable of automatic adjustment compatible with automatic constitutional growth.

(k) That no provision has been made for automatic growth to Dominion Constitution.

(l) That fundamental rights have not been defined and no provision has been made for the inclusion of those rights in Constitution Act, and that in view of the fact that these rights alone comprise the true and legitimate protection of a minority, this omission coupled with practically autocratic powers of the Governor-General is bound to lead to differential treatment of minorities in different Provinces.

(m) That the Government reserves to itself the right to reconsider the whole position in respect of Reforms under certain possible but undefined financial, economic and political conditions, even though all other requirements for the inauguration of the Federation shall have been satisfied.

(n) That the Communal Award which forms the basis of the Constitution is predominantly pro-Moslem and highly unjust to the Hindus. It is unacceptable to the Hindus as it provides for separate electorates and undue weightages in representation in Legislatures to the Moslems at the cost of the Hindus and gives statutory majority in effect to the Moslems in Punjab.

To the above the Mahasabha would add that a Constitution based on the Communal decision of the British Government cannot be one of Dominion Status, nor can it ever lead to it. It would always be an unsurmountable obstacle to redeem their pledges thereof.

The Mahasabha has therefore to criticise the Communal decision also apart from its adverse effects on the interests of the Hindu community.

#### MEMORANDUM 58.—(ALL-INDIA) HINDU MAHASABHA (BERAR SECTION).

*Descriptive.*—Berar is situated right in the heart of India about 300 miles to the north-east of Bombay. It is the largest cotton producing unit in India, with an area of 17,767 square miles and a population of 3.5 millions. It is described in old literature as the first centre of Anyan settlement in the Deccan and has existed as a separate entity throughout the period being described as the

great "Vidarbha". Politically it has had a very chequered career. It passed into the hands of Pathan Kings of Delhi after the Jadhav Dynasty was destroyed, then into the hands of Bahamani Kings, after a short spell of independence it passed into the hands of the Moguls, then into the Maratha hands; in 1803 it was given to the Nizam by the British; by the Treaties of 1853 and 1860 it passed

31<sup>o</sup> July, 1933.]

[Continued.]

into British hands again and finally by the Treaty of 1902 it was given to the British by perpetual lease in which position it finds itself to-day.

Berar is thus a territory held by the British on lease from an Indian State, constitutionally it is not British India although it is administered by the British. This position has made what is known as the Berar problem.

*The Problem.*—Berar has always been treated as a separate unit, the problem, therefore, is not, as is commonly supposed, to make it a separate unit. It has all along been separate; the problem is to give it a satisfactory status in the coming constitution.

*Financial Position.*—Up to the year 1902 Berar had a separate administration. It maintained that administration and always left over a substantial surplus after defraying the heavy and rather an unnecessary military expenditure of about Rs. 4,000,000 annually.

Following figures will show this position —

Year	Revenue (Lakhs)	Expenditure (Lakhs)
1872—1873	80.40	65.66
1899—1900 (Famine)	84.96	99.98
1901—1902	124.42	93.24

After the year 1903 the Province was amalgamated with Central Provinces. This arrangement has been most iniquitous and unsatisfactory and has failed to give protection to the people of Berar. The surplus, which properly speaking should have been utilised for the growing needs of the people of Berar has all been appropriated towards the Backward tracts of Central Provinces. Berar, so to say, has been paying a considerable subvention to C.P. A reasonable amount after satisfying Berar needs would not have been grudged for the uplift of the Backward tract, but the arrangement has resulted in starving the most essential requirements of Berar.

Just how large the surplus is will be apparent from the following figures —

Year	Revenue (Lakhs)	Expenditure (Lakhs)	Surplus
1902—03	1,10,39,382	68,10,953	42,28,400
1904—05	1,27,57,982	66,13,816	61,43,800
1909—10	1,40,53,179	51,75,076	88,78,100
1912—13	1,63,79,598	60,31,001	1,03,48,500
1915—16	1,62,68,922	68,00,588	94,68,400
Average of 1926—27 to 1929—30 Central and Pro- vincial.	2,54,71,050	1,86,88,750	67,82,300

The following points in the figures for the 1926-30 may be noted —

(1) That the expenditure includes Rs. 25 lakhs paid annually to the Nizam on account of the lease.

(ii) That full share of overhead charges on account of Heads of Departments and Executive Heads of Government is also included at 25 per cent. of the total expenditure.

It may also be noted that Berar has been progressively taxed since 1872; and further that the years 1926-30 were specially favourable to Berar, those being the years when largest amounts under "Sim" Rule were allotted. The position has since changed to Berar's disadvantage.

This position has been very irksome, has led to ever growing friction in the Central Provinces Council and has to a considerable extent hampered the growth of democratic spirit in the province.

The position was visualised by the makers of the constitution of 1919, when Provincial Finance came to be separated from the Central Finance, and a safeguard in the interest of Berar was imposed by Devolution Rule 14 (2) by which Revenues of Berar were placed at the disposal of the C.P. Government and Government of India retained the right to decrease or cancel this arrangement if it deemed it necessary.

This fact once again established that Berar was a separate entity and that its revenues formed distinct and extraordinary source separate from the ordinary source of a revenue from one of the Districts within the Central Province. That it was so to say a subvention to C.P. from Central Government. Once again the position, that Berar has been

31<sup>o</sup> Julii, 1933.]

[Continued.]

separate and distinct and that the problem is not the question of its separation afresh, is asserted.

*Sim Rule.* In pursuance of this Devolution Rule the Legislative Council passed a resolution in March, 1921, that a reasonable share of Berar Revenues should be spent for the benefit of Berar. Government agreed to this and what subsequently came to be known as the "Sim" rule was adopted. Neither party has found satisfaction in this and it has never been given effect to in full. According to this rule, after satisfying the demands of a single Government and certain exceptional items, which absorb the lion's share of the Budget, Berar was to get 40 per cent. of new expenditure. The nearest approach to this figure was 38 per cent. in 1927. But the Rule applies to budget allotments only and there is no check on actual expenditure, and the allotments made originally have subsequently been withdrawn.

The following admission by C.P. Government in this behalf in its report to the statutory Commission is useful: (Page 101, para. 251).

"Before this settlement the C.P. enjoyed far greater share of the divisible expenditure than the 60 per cent. now allotted to it."

Unsatisfactory as these arrangements were Government could carry out its promise of minimum expenditure for the benefit of Berar with the help of "Nominated block" and Berar members. For obvious reasons no fully responsible Government could carry on such an arrangement without courting a disaster. Statutory safeguard could be no better remedy to keep on such an arrangement as that could straightaway lead to a deadlock.

*There is, therefore, no effective remedy except to have a separate Budget to be dealt with by the people to whom the money belongs and has always belonged.* This I submit can only be done by giving Berar a Council with a power over its purse. Berar could never exercise that power within the Central Provinces Council. *And the conferral of the right in those circumstances would be to give no power of purse to the people of Berar.*

#### DOUBLE TAXATION OF BERAR FOR SUBVENTION.

I have already pointed out that the surplus of Berar absorbed towards C.P. is in the nature of a subvention. In addition there are other Provinces con-

templated towards the subvention of which, Berar will have to bear its proportionate share in future. There is no reason why the people of Berar should be required to pay more than the rest of British India on this account. Reasonable burden for the benefit of backward tracts in India, Berar has not grudged. But the arrangement contemplated, if Berar remains in its present position, is highly unfair to the people of Berar. The remedy lies in its separation from C.P. and in giving Berar its rightful position of a Federating unit. *The money belongs to the people of Berar, they are a distinct entity and they should have the power of disposal over it, to the same extent as people in any other province in British India.*

*Homogeneous Tract.*—Berar is a homogeneous tract very much in advance of the others in C.P. This has been admitted by Local Government in its administration reports from time to time; the latest admission being in the Local Government's report to the Franchise Committee. Referring to Berar that report says:—

"Every shade of variation will be found between Marathi-speaking population of the South-West" (i.e. Berar) "one of the most advanced in India and the aboriginal tribes who are amongst the most backward."

There is no doubt that this state of affairs has checked the progress of Berar which might have been faster than at present.

The Statutory Commission has made the following remarks which apply very fittingly to the case of Berar; viz. "If those who speak the same language, form a compact and self-contained area, so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of a common speech is a strong and natural basis for individuality." (Para. 38, Vol. I.) By each one of these tests Berar could be effectively proved to be entitled to form a separate unit.

*Popular Opinion.*—Further test suggested by the statutory commission is:—

"Most important of all perhaps is the largest possible measure of general agreement to changes proposed, both on the side of the area that is gaining and on the side of the area that is losing territory." (Para. 38, Vol. I.)

31<sup>o</sup> July, 1933.]

[Continued.]

It might have been supposed that such bilateral test would be difficult to be satisfied. But so great is the feeling of dissatisfaction on either side at the present ill-fitting incongruous arrangement that neither Berar nor C.P. Hindi sections desire now to remain together.

C.P. Hindi Party have already voiced their demand through various provincial conferences, they made similar demand before the Nehru Committee and as a result of this demand the Committee conceded that it must be made into a province separate from Berar. It may be noted here that there was no such demand made on behalf of Berar before that Committee.

As recently as January, 1933, the Central Provinces Legislative Council passed a resolution, with a overwhelming majority of members from both parts, that Berar should be separated from C.P. and made into an autonomous Federating Unit. It is noteworthy that an amendment was specifically moved in the Council at the instance of a C.P. Member which resulted into rejecting the idea of forming Berar into a Sub-Province.

On the other side there is a long list of the support that this demand has from Berar, only the important items of which are enumerated (vide Appendix A); besides several cablegrams recently sent to the President of the Joint Parliamentary Committee from various places in Berar.

If the desire of the people is the real test of the arrangements to be made for the future governance of Berar, I submit that the opinions on either side have most unequivocally and emphatically been expressed, and there is no alternative except to separate Berar from C.P. and be made into a Federating Unit.

*Legislative Aspect.*—Laws in Berar are promulgated by Government of India acting in its Foreign Jurisdiction. Properly speaking the Government of India Act of 1919 or the previous Acts have not conferred the commonest constitutional right on the people of Berar, viz.: to pass their own Laws. Of all the British Dominion in India curiously Berar alone has been singled out for such invidious distinction. The position is rendered still more curious by the fact that the members from Berar to the C.P. Council have the full right to Legislate for C.P. but no such right to legislate for themselves. Such a position has given rise to a perfectly natural and justifiable resentment amongst the C.P.

members of the Council. Such a position has been no less intolerable and disagreeable to the members from Berar also. An attempt has been made to give a certain amount of Legislative voice to Berar, since Government set up what is known as the "Berar Legislative Committee." The powers of this committee are described best in the report of the Local Government to the Statutory Commission (vide Part ix, paras. 212/213 and 215, pp. 74 and 75). This is what it says —

Para. 212.—"The committee is advisory in character and may deal with only such legislation affecting Berar as the Governor-General in Council may authorize being placed before it."

Para. 213—"The report" (i.e., laws passed by the committee) "is in no way binding on the Governor-General in Council who reserves full power to legislate for Berar as he thinks fit."

Para. 215—"The Committee serves a useful purpose in eliciting informed opinion on legislation affecting Berar."

Comment is needless. It would take more than a common measure of boldness to say that these are constitutional powers. Yet Berar has no more powers than those described. No powers to legislate for Berar on one hand and equal powers of legislation for C.P. on the other is the greatest incentive there could exist for the growth of irresponsibility under the constitution. If it has not grown the fault certainly does not lie with the constitution.

What Berar seeks is a way out of this position. The powers of legislation for Berar cannot be conferred on anyone except the people of Berar and the unwanted powers over legislation in C.P. are disagreeable to the people of Berar. The remedy again is the same, viz.: to have council for Berar with full Legislative powers.

#### LAND REVENUE SYSTEMS.

The difference in the Land Revenue systems of the two Provinces again is very great. Excepting a few villages, Berar is a Rayotwari, where the villagers hold lands directly from Government, whereas in C.P. the Malguzari system prevails and the villagers hold lands from their landlords. This makes a difference to their respective contributions to the Revenues of the province which is contributed in the proportion 2: 3 although

31<sup>o</sup> July, 1933.]

[Continued.]

Berar is only four Districts as against (until recently) 18 Districts of C.P.

The spirit of the people of the two provinces is entirely different, Rayotwari being conducive to the spirit of Democracy. In the present arrangement the Democratic growth in Berar needs necessarily suffer a severe handicap, besides making a smooth running of the Government difficult.

*Incidence of Taxation.*—The difference in the spirit is clearly disclosed by the incidence of Local Taxation. Nation-building activities have been partially entrusted to Local Bodies in the Province. Berar, besides making its contribution to the Provincial Treasury, has again had to tax itself for Local activities. The incidence in Berar is more than Rs. 0/8/0 per head whereas nowhere in C.P. it exceeds Rs. 0/2/0 per head of the population.

Under the grant-in-aid system no district in Berar gets more than 25 per cent. of its approved expenditure whereas there is no district in C.P. which gets less than 60 per cent. This figure runs into more than 90 per cent. in individual cases. Thus what Berar pays for Local needs out of its pocket is all an additional Taxation. The unfairness of the Grants System can well be characterised as penalisation of extra efforts made by Berar.

Every Provincial Tax falls more heavily on Berar, and every need for retrenchment results in the application of the Axe to the allotments made for the Nation-building activities in Berar in the first instance.

Berar question, therefore, looked at from every point of view affords only one satisfactory solution; viz., to constitute it into a separate Federating Unit with full Legislative and Financial powers on the same lines as any other province in British India.

*Treaty obligations.*—The people of Berar do not believe that such a position is in any way inconsistent with the Treaty obligations of His Majesty's Government. On the other hand they believe that consistently with those obligations the solution suggested above is the only one that is logical, legal and satisfactory to all concerned. There is no defect which would obstruct the devolution of powers now vested in the British Crown, from the Crown to the people of Berar in the same manner and to the same extent as other subjects of His Majesty in British India. Berar ought to be taken out of

the Paramountcy relations in the sense that it ought not to remain a part of the permanent Reserved subject of Paramountcy in India.

In the end I might say—

(i) That I hope to have shown to the Committee that Berar has always been treated as a distinct and separate entity by Government.

(ii) That it has been treated in the same way by the Congress also.

(iii) That the necessity of its separation and the temporary character of amalgamation with C.P. has always been recognised. the following observation in the Montague-Chelmsford Report on the constitutional reform in India would make this clear (*vide para. 246*) "In Orissa and Berar, at all events it seems to us that the possibility of instituting Sub-Province need not be excluded from consideration at a very early date."

(iv) That neither Berar nor C.P. wish now to remain amalgamated and that C.P. rejects the idea of a Sub-Province.

(v) That the problem is not to take it away from C.P. but give the people of Berar the common rights under the constitution.

(vi) That there is no satisfactory, logical and legal way of doing it except by the formation of Berar into a separate Federating Unit with full powers of a Province like any other Province in British India.

Lord Salisbury, then Secretary of State for India, wrote in 1878 about Berar "The matter in controversy here is not dignity, revenue, or any matter of personal enjoyment, it is the control over the lives and properties of two millions of men."

Since then it has become a matter of the lives and properties of three and a half million men. With the necessary changes this great sentiment of that great British statesman still holds good. It is now a matter of the Legislative and Financial liberty of these men and of the acquisition by them of their legal and constitutional rights, to which they are by history, tradition and material advancement rightfully entitled with the rest of their Countrymen. It is a question of liberation from bondage and freedom from exploitation. It is imperative that this should be done while there is yet time and while the goodwill of the people of Berar is not yet undermined.



31<sup>o</sup> Julii, 1933.]

[Continued.]

Judged from every conceivable point of view the only solution, I submit, is to constitute Berar into a full province directly finding a place in its own right and not a place, as at present, by the grace or by the sufferance of the people who do not like the association any more than it is liked in Berar.

I submit, that any attempt to build a constitution on unsecure foundations in Berar will be foredoomed to failure. Let us therefore proceed to build it secure and true by conceding to the people their legitimate constitutional rights on the same lines as the rest of India. Berar demands the same treatment as the rest of the British India. Berar demands that justice be done to her. no more and no less

#### APPENDIX A.

##### *List of Supporters to Berar demand*

1. The Berar All-Parties Conferences and the Committee appointed by that Conference. The original conference was convened by the President of the congress for Berar on 21st June, 1931. This conference appointed a committee which includes representatives and members from all Political Parties and classes in Berar, viz. Congress, Liberals, Responsionists, Nationalists, Non-Brahmins, Muslim, Depressed Class and Labour from Berar and includes all the prominent men in Berar. The Committee had sent a representation to the Second and Third Round Table Conferences, it represented its Financial case to the Federal Finance Committee.

It has fully supported the demand throughout the last two years. (President: Mr. M. S. Aney, and now Mr. S. B. Tambe, Ex-Governor of C.P.)

2. The Liberal Party at its meeting held at Akola in May, 1933, has also supported this demand (President: R. B. Bramha a well-known Liberal).

3.—(a) The Non-Brahmin party at its meeting held at Nandura in Buldana District on 1st January, 1933, supported the demand in essential aspect and urged formation of a Sub-Province. It is to be especially noted that this conference was held under the *Presidentialship of the Honourable Minister of Education to the C.P. Government.*

The Nandura conference was held before the Legislative Council rejected the idea of a Sub-Province.

(b) Subsequently the Non-Brahmin Party held another conference at Akola

on 14th May, 1933, at which they adopted a resolution supporting the demand for complete separation. This conference was presided over by the President of the Party for C.P. and Berar.

4. The Nationalist Party of Berar has fully supported the demand throughout and instructed its President to bring the question to the notice of H.E. the Viceroy twice during the last two years, (1) in May, 1931, (2) in January, 1933, which the President did by means of letters to the Viceroy. (President: Mr. R. M. Deshmukh Ex-Minister).

5. Other important conferences held are as follows:—

(a) Conference of all the Berar Village Panchayats at Pusad in Yeotmal District. 26/11/32.

(b) Conference of Nationalists held at Loni in Akola District. 28/11/32.

(c) Mangrul Taluq Agriculturists, conference held at Giroli in Akola District. 18/12/32

(d) Telhara Circle Agriculturists, conference held at Telhara in Akot Taluq. 24/12/32.

(e) Kalamb Circle Agriculturists, conference in Yeotmal District (presided over by an Ex-Minister from C.P.) to the C.P. Government. 25/12/32.

(f) Berar Landlords, conference held at Surji-Anjangaon (presided over by a prominent Liberal from Berar). 25/12/32.

(g) Yeotmal Taluq Agriculturists, conference at Babulgaon in Yeotmal District (President: An Ex-Minister to C.P. Government). 8/1/33.

(h) Amraoti District Nationalist Agriculturist Conference held at Ner-Pinglai, Amraoti District. (President: Member of C.P. Council). 15/1/33.

(i) Amraoti Taluq Agriculturist, conference held at Kothoda in Amraoti Taluq. (President: Well known journalist in Berar). 18/2/23.

*Note.*—The list is not exhaustive. There have been various other conferences held at which the demand has received support. The list given above is, however, sufficiently representative to show that on this point of Berar demand all the differences of party, class or creed have been merged. And the demand is the unequivocal and unanimous demand of the people of Berar.



31<sup>o</sup> *Julii*, 1933.]

[Continued.]

## MEMORANDUM 59. (ALL INDIA) HINDU MAHASABHA (BERAR SECTION SUPPLEMENT).

1. The fact that the attainment of full Dominion status by India is implicit in the declaration of August, 1917, should find a place in the preamble to the Constitution Act.

2. The Committee is opposed to the inauguration of the Federation being made contingent upon—

(a) Setting up and successful operation of a reserve bank.

(b) The execution of instruments of accession by the Rulers of States representing not less than half the population of States and of States entitled to half the number of seats in the Council of State.

(c) The voting of an address to the Crown by both the Houses of Parliament

And therefore the Committee desires that the Constitution Act should contain provision enabling Provinces to join the Federation of India as their instruments of accession are executed.

The application of the Act should be a matter of mere executive action.

3. The Constitution Act should contain a provision to terminate the personal charge of the Governor-General in respect of the reserved departments automatically by

(a) efflux of a definite period of time, or

(b) Fulfilment of conditions specifying stages to be laid down in the Act.

4. The Ecclesiastical Department should be excluded from the personal charge of the Governor-General.

5. The Committee is opposed to the declaration of special responsibilities of the Governor and the Governor-General as laid down in paras. 70 and 18 of the proposals since they impede the growth of real responsibility amongst the Ministers. Therefore the Committee proposes that provision for rules on the lines of the present rules framed under 52 (3) of the Government of India Act, should be made to enable the Governor and the Governor-General to meet all such emergencies and all the machinery contemplated to give effect to the special responsibilities together with the proposal for a financial adviser (proposal 17) will therefore automatically disappear.

6. In order to make a real Federation the Committee proposes that the members to be appointed by the Rulers of States

to the Federal Assembly shall be elected according to rules to be framed in this behalf by the States concerned.

7. With reference to para 18 of the Introduction, the Committee considers that no clog on election by method of the single transferable vote is desirable and necessary.

8 With reference to paras. 27 and 30 of the proposals, the Committee considers that 35 should be the minimum age limit for members of the Council of State and 30 for those of House of Assembly.

9. The Committee is opposed to the proposals in paras. 42, 43, 92 and 93 contemplating powers of the Governor-General and the Governors to promulgate Acts on their own responsibility as the Committee considers that an Act should always mean an Act of the Legislature, and any law that is not an Act ought to be an Ordinance.

10. Ordinances in the departments in which responsibility is transferred either at the centre or in the Provinces shall invariably be issued on the advice of the Ministers subject to the conditions laid down in this behalf.

11. The power to promulgate ordinances in reserved departments as contemplated in para. 53 of the proposals is to remain unaffected subject to the condition that the power of renewal shall not be assumed unless the federal legislature fails to pass the required legislation.

12. In proposals 14 and 67 the Committee desires that the directions to the Governor-General and the Governor contained in brackets shall be dropped

13 The description of Provinces given in proposals 5 and 61 shall be modified as follows:—

*Berar should be excluded from C.P. and described as a separate Governor's Province. Some members of the Committee consider that the ports declared to be major ports including Aden should become separate federating units under a Governor or a Chief Commissioner according to importance. Berar should be a separate federating unit.*

The possibility of forming Governor's Provinces on linguistic basis immediately should be kept in view.

14. With reference to proposal 106 the Committee considers that there should be no excluded area in C.P. or Berar.

15. The Secretary of State in Council should have control over services only up

31<sup>o</sup> *Julii*, 1933.]

[Continued.]

to the period of inauguration of the new constitution and should function only in respect of servants appointed by him up to that time.

16. With reference to para. 73 (Introduction) the Government of India should continue to carry the responsibility for payments arising out of the family pensions fund. No attempt to build up a separate sterling fund for the purpose should be made.

17. With reference to proposal about borrowing contained in proposals in paras. 146 and 147 the Committee considers that no loan outside India should be raised without consulting the Federal Legislature.

18. The Constitution of a Railway Board (para. 74 Introduction) should be subject to Federal Legislation. The Committee agrees that it should be framed with a view to perform its duties upon business principles.

# MEMORANDUM 60. SUBMITTED BY PANDIT NANAK CHAND, M.A. (OXON.).

## BRIEF SUMMARY OF PROPOSALS

I have been nominated to appear as a witness and to give evidence before the Joint Select Committee, by the following bodies:—

(1) The Punjab, Sind and North-West Frontier Conference of Hindus. (Held at Multan, May, 1933.)

(2) The Hindu, or National Reform Party of the Punjab Legislative Council.

(3) The Punjab Democratic League

(4) The Mahajan or Non-Agriculturist Association (Hissar).

(5) Instructed by Dr. Nand Singh, Secretary of the Non-Agricultural Conference of Hindus, Moslems and Sikhs. (Jullendhar, May, 1933.)

to represent their case.

On behalf of the Punjab Hindus and Non-Agricultural Tribes, therefore, as represented by these associations, I desire to give evidence before the Committee on the following matters:—

(1) The protection of minorities by means of the clause in paragraph 122 of the White Paper, without the provisos or exceptions now contained therein.

(2) The position of the Agricultural and Non-Agricultural Tribes on the electoral roll of the Punjab.

(3) The present arbitrary division into rural and urban constituencies of the Punjab Province.

(4) The introduction into the central district of the Punjab of a modified system of joint electorates, while maintaining the system of separate electorates of the Eastern and Western Punjab; the modification of the terms of revision of the Communal Award.

(5) The constitution of an All-India Minorities Protection Board.

(6) The early appointment of a Boundaries Commission, with an impartial chairman, as recommended by the Simon Commission. (See pages 15-16 and 26, of Vol. II of the Simon Report.)

(7) The transfer of the Police to the control of the popular Minister, and the appointment of a statutory committee to assist him in the discharge of his duties.

(8) Recruitment for the Services to be on the grounds of efficiency, fitness, and merit alone.

(9) Increase to 600 of the membership of the House of Assembly.

(10) The centralisation of the High Courts as recommended by the Simon Commission, the Nehru Report, and the Note of Sir Claude Schuster and Sir M. Gwyer printed in the proceedings of the Third Round Table Conference.

(11) Abolition of the arbitrary distinction between the martial and non-martial races and the institution of an Indian Military Advisory Council.

## SPECIFIC PROPOSALS.

I. My first proposal relates to paragraph 122, page 70, of the White Paper which runs as follows:—

“The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting in British India any British subject (including companies, partnerships or associations constituted by or under any Federal or Provincial law) in respect of taxation, the holding of

31<sup>o</sup> Julii, 1933.]

[Continued.]

property of any kind, the carrying on of any profession, trade, business or occupation, or the employment of any servants or agents, or in respect of residence or travel within the boundaries of the Federation, to any disability or discrimination based upon his religion, descent, caste, colour or place of birth; but no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with exceptions, the sale or mortgage of agricultural land in any area to any person not belonging to some class recognised as being a class of persons engaged in, or connected with, agriculture in that area, or which recognises the existence of some right, privilege or disability attaching to the members of a community by virtue of some privilege, law or custom having the force of law.

"A Federal or Provincial law, however, which might otherwise be void on the ground of its discriminatory character will be valid if previously declared by the Governor-General or the Governor, as the case may be, in his discretion, to be necessary in the interests of the peace and tranquility of India or any part thereof."

\* Without a qualification of this kind, legislation such as, e.g., the Indian Criminal Tribes' Act, would be invalidated by the provisions of this paragraph.

*My proposal is that the words beginning "but no law" and concluding "or any part thereof", should be deleted altogether.*

The paragraph deals with two matters:—

1. The clause deals with the Fundamental Rights of the citizens of the State and interdicts discriminatory legislation and is meant for the protection of the minorities. The words which begin with 'The Federal Legislature' and conclude with 'religion, descent, caste, colour or place of birth' are meant as the protective clause.

2. The latter portion deals with the exceptions to the rule framed in the earlier part of the paragraph.

It is interesting to go into the history of the recommendations contained in paragraph 122. The minorities all over India, whether European, Mohammedan or Hindu, insisted upon a provision of

the kind mentioned in the earlier part of paragraph 122. A clause of the nature was first proposed for the protection of minorities (whether of religion, descent, caste, colour or place of birth) by the Nehru Report. Then when the Simon Commission was about to go out to India, Dr. Shaffat Ahmad Khan insisted upon a clause of this kind for the protection of the Moslem minorities in his book, 'What are the Rights of Moslem minorities?' The learned Doctor, who was a member of the three Round Table Conferences and is at present a member of the Indian wing of the Joint Select Committee, quoted with approval certain clauses from the Constitution of Poland and Austria, in support of his proposals for the protection of Moslem minorities. These clauses insisted upon equality before the law of all nationals and laid down the following principle:—

"Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civic or political rights, as, for instance, admission to public employments, functions, and honours, or the exercise of profession and industries."

The European Association likewise laid emphasis upon a protection of this kind. The Hindu minority of the Punjab, whose case was represented to the Simon Commission by Rajah Narendra Nath in a long memorandum, and by me by means of another memorandum and oral evidence, also emphasised the importance of a clause of the nature demanded by the Moslem and European minorities, and, in order to illustrate the injustice which was likely to be inflicted upon minorities if a clause of this kind was not inserted in the Constitution, the Punjab Land Alienation Act was cited as an instance of what would occur later on.

In the first two Round Table Conferences emphasis was laid over and over again upon the necessity for protection of this nature by representatives of various communities, and it is very important to note that the Prime Minister on behalf of the Government gave a definite promise to the second Round Table Conference that a protection of this nature would be granted. This is what the Prime Minister said:—

"In framing the Constitution His Majesty's Government considers it will be its duty to insert provisions guaranteeing to the various minorities, in addition to political representation, *that differences of*

31<sup>o</sup> July, 1933.]

[Continued.]

*religion, race, sect or caste shall not themselves constitute civic disabilities."*

In the Third Round Table Conference the matter was again thoroughly discussed and, though some of the Indian delegates presented a long list of fundamental rights, and though it was considered impracticable to give this list a statutory sanction, yet it was recognised that a clause of the kind incorporated in the first part of paragraph 122 of the White Paper was an absolute necessity. Unfortunately, however, the Punjab Land Alienation Act was brought into prominence in all the discussions of all the Round Table Conferences.

Sir *Hubert Carr*, representing the British-European community, insisted that a clause of the kind should be inserted. He said in his last speech printed on page 133 of the Third Round Table Conference Report:—

"In consideration of the position in India to-day, we think not only is special protection required for the British-European community, but that for all minorities a general omnibus clause is required in the Constitution for protection against discriminatory treatment."

During the discussions of the Third Round Table Conference a memorandum was submitted signed by eight of the delegates, one of whom was a Parsee gentleman, regarding discriminatory legislation. (See pages 196 and 197 of the Round Table Conference Report.)

When discussing proposals for a clause of this kind the Punjab Land Alienation Act also came up for discussion again and again. Dr. Ambedkar and I particularly drew the attention of the Conference to the necessity of a clause prohibiting discriminatory legislation and treatment; and this subject has been treated by me in some detail in my last speech to the Round Table Conference (see pages 118-122 of the Report of the Conference). The Punjab Land Alienation Act is also discussed therein.

There was a unanimous decision that a clause of the kind was absolutely essential for the proper protection of minorities, i.e., the clause to prohibit completely discriminatory legislation and treatment of the minorities, whether of religion, descent, caste, colour or place of birth. Thus we find that paragraph 122 of the White Paper contains in its earlier passages this very healthy, legitimate and sound recommendation for the protection of minorities.

It would seem, however, that the learned draughtsman who is responsible for paragraph 122 could not forget the discussions which took place in the Conference and the Committees, and sought to save the discriminatory provisions of the Punjab Land Alienation Act and, incidentally, of the Indian Criminal Tribes' Act, by the inclusion of the exceptions which I respectfully urge the Committee to delete.

These exceptions, if incorporated in the Constitution as a part of the law, will not only nullify the effect of the fundamental rights clause, but will prove a source of terrible oppression in the hands of the majorities in the legislatures. These provisos or exceptions are unjust, because they take away the right of acquiring property from certain individuals, classes or communities, merely on the ground of their birth in a particular caste and *thus strike at the root of the fundamental right of a citizen to obtain the main and chief qualification for acquiring the vote and thus taking part in the government of the State.* These exceptions are, in my humble judgment, dangerous, unjust, impracticable and, if I may say so, destructive of all democratic ideals of government. As I have said above, the effect of the provisos will be to nullify completely the effect of the previous part of the paragraph.

I wish the Joint Select Committee to consider dispassionately these exceptions. If they are enacted into law the majorities in the Federal and provincial legislatures will have the power:—

(a) To prohibit the sale or mortgage of agricultural land to any person, to any class, or to any tribe, and thus destroy one of the main and chief means of acquiring qualifications for becoming voters and taking part in the government of the State.

(b) To sanctify existing privileges or disabilities based on birth, custom or law thus preventing further progress for the minorities, and further maintaining disabilities for all time to come.

(c) to prevent women, depressed classes, untouchables and others not only from acquiring property but from acquiring sites for houses in rural areas, and to restrain the depressed classes from exercising elementary rights of citizenship, such

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[Continued.]

as, free access to public roads, schools, village tanks and wells.

(d) Lastly, these exceptions will arm the majorities with the power of declaring any class, tribe or caste a criminal tribe

Well may the minorities cry, "We wanted bread and you give us a stone!"

But it will naturally be asked, what about the Punjab Land Alienation Act? Nobody has any dispute with proposals for giving protection to the cultivator or the soil or to agriculturists, but the definition of an agriculturist should be based upon occupation, not on birth as is done by the Punjab Land Alienation Act, in Section III of that Act. I maintain that:—

(a) It is no protection to the poor proprietor of land who has to part with his property under necessity. He does not get a fair price as competition is limited. He practically has to sell his land at half the price.

(b) That gives the moneylenders, lawyers and wealthy members of agricultural tribes or castes a charter to rob the poor agriculturists: see Darling's book; The Punjab Peasant.

(c) That it is possible to remedy these defects and find suitable definition of the agriculturist based not upon birth or caste but on occupation.

The position of the members of non-agricultural tribes and agricultural tribes must be thoroughly grasped in order to understand what mischief and havoc the Act is playing in the public life of the Punjab and how the privileged castes called the agricultural tribes are clamouring for more and more privileges. They seek to rule the Punjab to their own exclusive advantage, hence the activities of their members to bar the door on all others who would seek to improve their status.

Though less than 50 per cent of the population of the Punjab, the agricultural tribes have got more than 70 per cent. of the elected seats in the Punjab Council and the result is that, during the last five or six years, they have become extremely unreasonable and wish to secure privileges on the basis of birth which no one would dream of suggesting in a democratic government. As a matter of fact privilege based upon caste or tribe is entirely inconsistent with the ideal of a democratic state. The debates of the Legislative Council of the Punjab will show that these tribes want:—

(1) That the sources of revenue of the Punjab Government from land tax and water rates should be very substantially cut down.

(2) That posts should be given to the statutory agriculturists to the extent of 60 per cent. to 80 per cent.—and the Punjab Government is yielding to this pressure.

(3) That admissions to the various professional colleges should be regulated on the basis of birth or caste, and that these tribes should have the lion's share.

(4) That electricity from the hydro-electric plants of the Punjab Government should be given free to these agriculturists.

These demands have been resisted because of the existence of the official bloc and a few members of non-agricultural tribes. Therefore my submission is that it is absolutely essential that *these exceptions* to paragraph 122 embodied in the White Paper should be deleted and that only the clause beginning with, "The Federal Legislature" and concluding with "religion, descent, caste, colour or place of birth" should be retained.

II. My second proposal relates to the question of the representation of non-agricultural tribes on the electoral roll of the House of Assembly and the Punjab Assembly. My proposal is that, as the non-agricultural tribes are over 50 per cent. in the Punjab, their population strength should be reflected on the electoral roll. This question was raised by me before the Indian Franchise Committee and the recommendations of that Committee are contained in paragraph 170, Vol. I, of their Report. The gist of their recommendations was that the proposals of the Punjab Government for the franchise would leave the non-agricultural tribes under represented. They realised that the Punjab Land Alienation Act conferred great advantages, both social and economic, on the members of agricultural tribes, and it would not be right to give them in addition the political predominance they would gain if they formed three-quarters of the electorate, which would be the case if the Punjab Government's scheme were accepted. They were in favour of removing the disparity between the representation of the agricultural and the non-agricultural tribes.

The question was raised by me at the third Round Table Conference and the Secretary of State's reply was sym-

31<sup>o</sup> Juhl, 1933.]

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pathetic, but he maintained that the representation of the agricultural tribes would be 60 per cent. of the electorate and not 75 per cent. This estimate, I submit, is conjectural and, even if correct, leaves a big gap of 20 per cent. to be righted if the non-agricultural tribes are to get their proper representation.

I submit that the Punjab Government should be charged with the duty of removing any disparity that may exist in the representation of the two classes of agricultural and non-agricultural tribes on the electoral roll of the House of Assembly, by means of instructions contained in the Instrument of Instructions to the Governor.

The following qualifications, however, should be added to the proposals contained in the White Paper with regard to the franchise qualifications for the House of Assembly and the Punjab Assembly:—

*House of Assembly.* (See White Paper, page 99, re Punjab.)

1. In qualification (a), rupees 2,000 should be substituted in place of rupees 4,000 in the second line.

2 In qualification (b) the following should be added after the word "over"—

"and payment of the Hisiyat or Professional Tax at its minimum rate of rupees 2, or in districts in which no such tax exists, of any other direct tax imposed under the District Board tax and not below rupees 2."

*Punjab Assembly.*

3. The following should be added to qualification (d) in the qualifications of the electors in constituencies other than special constituencies:—

"ownership of immovable property not being property in land assessed to land revenue of a value of not less than rupees 2,000 in urban areas and of the value of rupees 1,000 in rural areas"

This recommendation was unanimously made by the Provincial Franchise Committee. The Punjab Government also took the view that it should be included. On my return to India after attending the third Round Table Conference, I approached the then Punjab Governor, Sir Geoffrey de Montmorency, and he was of opinion that this was an accidental omission. It does not stand to reason

that those who already have the right to vote under the house property qualification should lose it under the new Constitution. Moreover, it is unjust that a person who owns a house of the value of rupees 4,000, or, say, even of rupees 50,000, should have no right of vote, while a person who pays a small amount of rent is enfranchised.

4. Another qualification should be added to confer the right of vote on persons who have deposited rupees 1,000 in Government-owned banks, or in postal certificates, or in Government securities, for a period of one year prior to the preparation of the electoral roll. This proposal would not add a very large number of people to the electoral roll, but it would be one method of enfranchising such people who wish to qualify for the vote. At the same time it would add to the financial stability of the State.

III. My third proposal refers to the arbitrary division of the constituencies into urban and rural on no principle whatsoever. In the Punjab, villages with a population of 7,500, or of 10,000, are described as urban. This delimitation is made with the object of pleasing the politically dominant members of the agricultural tribes. It is really a scheme of jerrymandering constituencies for the benefit of the members of agricultural tribes, who dominate the district boards and who want to exclude as large a number of the members of non-agricultural tribes as possible out of rural areas, though the members of the non-agricultural tribes also follow agricultural occupations or professions dependent upon agriculture. It must not be forgotten that there are very few large towns in the Punjab and excepting Lahore and Amritsar there are no industrial centres.

It is submitted that the district towns should form part of the rural constituencies. The rural areas find their full expression of public life in these towns. It is there that the District Boards and the Municipalities meet. It is wrong to cut off these places from the public and political life of the rural areas. The result is that candidates for election find it difficult to keep in touch with their constituents both in rural and urban areas. It is submitted, respectfully, that the Punjab should be treated in the same manner as the people in the United Provinces, for example, where towns of a large population only are included in urban areas.

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[Continued.]

IV. The result of the Communal Award on the position of the Sikhs and the Hindus in the Punjab has been most disastrous. The Sikh community has been so stung by the injustice involved in the Communal Award that they have decided not to participate in the Joint Parliamentary proceedings and not to send any witnesses before them.

It is regretted that a community which made great sacrifices for the British in the dark days of the Mutiny in 1857 and during the recent Great War, should be kept in a sullen and resentful mood. It is admitted on all hands that the Sikhs are a brave people and the best organised, and that they will not quietly accept the Communal Award.

Similarly, the Hindus think that they have been most unjustly dealt with, and in spite of the fact that they challenged the power of the Congress in the 1926 elections and defeated the Congress candidates in all the constituencies but two, and always stood out for a policy of co-operation with the object of getting their communal grievances redressed, it is the Hindu minorities of the Punjab and Bengal that seem to have been picked out for punishment. It seems that they are, after all, to be placed as "hostages" in the hands of the Moslem community, because that community wanted them as "hostages" for the good behaviour of the Hindu majorities elsewhere.

The Hindus have, from the very day the Communal Award was announced, protested in every possible constitutional way. Any modification of the Communal Award on the conditions laid down by His Majesty's Government is impossible or hopeless. However, suggestions are made that—keeping in view the Communal Award and other circumstances of the case—if the British Government is not prepared in any way to accept the recommendations of the Simon Commission or the Indian Central Committee—recommendations which are more in consonance with fairness and justice than those given by the Communal Award—the following proposals might at least be accepted.

(a) In the Centre the Moslems demanded one-third of the seats. It is submitted, therefore, that they should get no more than one-third, directly or indirectly, and that their quota should not be increased above one-third by means of indirect methods such as through special constituencies.

(b) In the Punjab joint electorates

should be introduced in some of the constituencies, which should work side by side with separate electorates in other constituencies. I will make my meaning more clear. Generally speaking, the central districts of the Punjab are more advanced than those of the Western or Eastern districts. Moreover, there is no very great disparity in the populations of the Moslems and non-Moslems in the central districts, therefore the system of joint electorates should be tried in these areas.

The opinion in favour of joint electorates is changing considerably, even in Moslem circles. People who at one time were not in favour of joint electorates are now coming round to the view that they are certainly a better solution than separate electorates. However, suspicion and distrust die hard. The Eastern districts being predominantly Hindu, and the Western districts predominantly Mohammedan, it will serve no useful purpose if joint electorates are introduced in these two parts, when the atmosphere throughout is surcharged with communal bitterness and hatred created by various circumstances, not the least among them being the Communal Award given by His Majesty's Government. Leaving these two parts of the Punjab aside for electing members through separate electorates, *the Central districts may at least be used for the experiment of trying a modified system of joint electorates, with a reservation of seats for three communities, reserving separate electorates in this district only to the Sikh community, and, so long as the Poona Pact is in force, to the Depressed Classes.*

The suggestion that joint electorates and separate electorates should work side by side was made by no less authorities than His Excellency Sir Malcolm Haley and Sir Geoffrey de Montmorency, retired Governor of the Punjab, in their official memorandum which they submitted to the Simon Commission. The suggestion is, therefore, not novel. It was made by me with regard to the Central districts before the Muddiman Committee in 1924-1925.

I hope and trust that in order to meet the changing moderate opinion in all the communities of the Punjab, the suggestion will be accepted and



31<sup>o</sup> Julii, 1933.]

[Continued.]

thus the rigour of separate electorates will be modified to a partial extent.

(c) I suggest further that in view of the grave dissatisfaction in India, and particularly in the Punjab, with the terms of the Communal Award, the Joint Select Committee should consider whether it would not be advisable to modify the conditions attaching to the revision of that Award. The life of one Assembly should surely be long enough to prove whether the Award in its present form is acceptable. I therefore submit that the period of operation of the present Award should be reduced from 10 to 5 years. Further, the condition attaching to the revision of the Award, that this should only take place by agreement between the communities concerned, needs modification. It should, I suggest, be altered so as to permit of the appointment of an Arbitration or Conciliation Commission at the instance of an All India Minorities Protection Board (see proposal 5, of this memorandum), or alternatively at the instance of the Governor-General, after consultation with the Governor of any Province or Provinces. Such a Commission should make recommendations concerning modification to the authorities.

#### ALL-INDIA MINORITIES PROTECTION BOARD.

V. My fifth proposal concerns the constitution of an All-India Minorities Protection Board. As the system of communal representation is going to be the marked feature of the new Constitution and, as the communal majorities are bound to assert their power over the minorities, it is essential that a central board for helping the Governors of the various Provinces and the Governor-General, should be constituted. The office of this central Board should be in Delhi. Two Hindus, one Mohammedan, one Sikh and one Christian or European should be appointed as members to look after the interests of the various communities. The members should elect their own president and make rules for the procedure of the Board. The members should be drawn, preferably, from public men. They should have the right to call for all necessary information from Government Departments. It should be the function of the Board to advise the Governors in discharging their special responsibilities for the protection of minorities. The constitution of such a

Board will considerably help in creating confidence in the minds of minorities, that all minorities will be treated in a similar manner and no single minority will be picked out for special treatment. Unfortunately, an impression exists in the minds of the minorities, especially in the minds of the Hindu minority of the Punjab, that they are hostages in the hands of the majorities. The Governors of the Provinces have been burdened with many onerous duties. They are not expected to carry out their special responsibilities without the guidance and help of advisers. For this reason also the Board will serve a useful purpose. It is therefore requested that the matter be given full consideration and I am sure that the necessity of an advisory board or council on the lines I have suggested will be appreciated.

VI. The sixth proposal I wish to submit is with regard to the re-arrangement of the boundaries of the Punjab. The principle of the distribution of provinces on a religious or linguistic basis has been accepted in the case of both Sind and Orissa. The Punjab, it is submitted, is a province which is composed of areas and peoples who have no natural affinity. The east differs from the west in language, customs, manners, and religion. The Central Punjab, consisting of the Jullandhar and the Lahore divisions, equally differs from the Western Punjab. The suggestion for the reorganisation of the boundaries of the various provinces was first made by the Simon Commission (see Simon Report, vol 2, pp. 15, 16 and 26). Without making any definite suggestion as to the manner in which the boundaries of the Punjab should be demarcated, I very strongly support the proposal of the Simon Commission with regard to the early appointment of a Commission with a neutral Chairman to go into this most important and vital question.

#### THE POLICE

VII. My seventh proposal refers to the transfer of the Police into popular hands. It is regrettable that the Punjab Hindu's position in this matter is misunderstood. It was never the desire of the Punjab Hindus that the Police should remain a reserved subject. While giving evidence before the Simon Commission, the Punjab Hindu's position was made quite clear by me, for, I pointed out that law and order should be transferred to the Central Government, which in its turn should be fully responsible to the Indian people.



31<sup>o</sup> *Julii*, 1933.]

[Continued.]

In stating the position of my community before the Third Round Table Conference, I emphasised that the Police should be transferred, but with this proviso—that there should be a statutory committee consisting of a Hindu, a Mohammedan and a Sikh to help the Minister in the discharge of his responsibilities for law and order. I still insist upon this statutory committee, to which a European might be added, if necessary. I am convinced that the special circumstances of the Punjab require that the Police should be transferred, and should not be kept a reserved department, and that a committee of the nature suggested by me would prove of great use and helpfulness to the Minister.

#### RECRUITMENT OF PUBLIC SERVICES.

VIII. My eighth proposal is with regard to the recruitment of the Public Services. I maintain that positions of trust and responsibility should always be filled on the basis of efficiency and merit alone; that communal, racial, or caste considerations lower the efficiency of the services and corrupt public life. The recruitment of public services on communal grounds began long before the reforms. Under the Montagu-Chelmsford Reforms impetus was given to this tendency of filling public posts of trust and responsibility on communal grounds. The result was that efficiency suffered, communal bias invaded the Services, and corruption increased. I do not see how this thing can be remedied by introducing more British element, on racial grounds alone, into the Public Services of the country.

I maintain very strongly that if a Public Services Commission is constituted, and posts of trust and responsibility—of which a schedule should be prepared—are filled on the basis of merit alone, the tone of the Services would rise very high.

It is submitted, therefore, for the consideration of the Joint Parliamentary Committee, that the All-India Public Services Commission should be retained, and Provincial Services Commissions should be brought into existence at once. The Services Commissions should be definitely charged with the duty of filling posts by open tests, whereby candidates, without any consideration of caste, creed, or colour, should be permitted to compete and thus take their due share in the administration of the Government. No amount of recruitment of British-born subjects for these posts would stem the

tide of communal or racial bias, which is bound to increase if the suggestion made by me is not adopted.

It is submitted, therefore, that the Public Services Commission be asked to prepare a schedule of all those services which can be termed posts of trust and responsibility. In any case the security services—Police, District Magistrates and Executive Officers and Judiciary—should be recruited on no other basis but that of fitness, efficiency and merit. It is of the highest importance that the public confidence in the administration and the judiciary should be restored and strengthened.

#### THE CONSTITUTION OF THE HOUSE OF ASSEMBLY.

IX. The ninth proposal relates to the constitution of the House of Assembly. It is submitted that the number proposed in the White Paper for the constitution of the Central Legislative is small. It should not be less than 600. The larger constituencies which would have to be formed if the number is kept small will not be easily manageable, either by the candidates, or the representatives of the people in the House of Assembly. If Britain with a small population and a small area finds it necessary to have over six hundred members in its Parliament, why should not India, with a larger population and a larger area, have a membership of 600? The Simon Report fixes the number of the Federal Assembly at 460. The proposal which I am submitting will fix the number at 400 members for British India and 200 members for the States.

#### THE HIGH COURTS OF INDIA.

X. Tenthly, I propose that the High Courts in India should be central subjects. They should not be under provincial control. This recommendation was made by the Statutory Commission (see paras. 341-349, Vol. 11, of their Report). The Nehru Report also makes a similar suggestion. On page 207 of the proceedings of the third Round Table Conference, Sir M. Gwyer and Sir Claude Schuster have given, under para. 19, very weighty reasons—with which I entirely agree—for the necessity of placing the High Courts under central control.

The Highest Appellate Court should be kept as free as possible from communal pressure. The judges and their decisions should not be made the subjects of virulent debates in the Provincial Council on

31<sup>o</sup> Julii, 1933.]

[Continued.]

any occasion. A common enough method adopted by some members of the Punjab Council is to propose cuts in the expenditure of the High Courts and then bring High Court matters into debate and discussion. Such action has been taken by some persons on account of private motives.

It is the duty of all persons interested in the impartiality of the Courts to see that the confidence of the public in the highest tribunals of justice in the provinces should not be undermined. Therefore, it is essential that the recommendations of the Simon Commission on this point be adopted in the new Constitution.

The limit of the age of retirement of the High Court Judges should be raised to 65.

#### MARTIAL AND NON-MARTIAL RACES AND INDIAN DEFENCE.

XI. It is absolutely essential that if self government is to be real and effective, the Indians must have control over their military and defence forces. A beginning, therefore, must be made at once.

The following suggestions are put forward for consideration.—

(1) The arbitrary distinction between martial and non-martial races should be abolished at once. This question was brought up by Sir Henry Gidney before the Third Round Table Conference. It was supported by Dr. Ambedkar, the representative of the Depressed Classes. It met with full support from all quarters of the House. The Secretary of State was pleased to accept that suggestion, and a promise was held out that in future individual fitness and efficiency alone will be taken into consideration in filling the ranks of the Army. The White Paper makes no mention of this proposal. It is submitted that in the instrument of instructions the recruiting authorities should be definitely charged with the duty of opening up the ranks to all the citizens of India, provided they conform to the tests laid down for recruitment.

(2) The scheme of Indianising the Army should be speeded up. I support the suggestions made by various important Indian members on this point.

(3) I desire that an Advisory Military Council should be instituted. The Council should be predominantly

Indian and members selected from the two Houses of the Central Legislature should have seats on this Council. The number on the Council may be fixed after full investigation. The budget and proposals with regard to military and defence matters should be fully and fairly discussed before this Council. The decisions of this Council will not be binding on the Governor-General, but the Council will help the Indians to understand the difficult and intricate defence problems. I hope this suggestion will meet with the approval of the British Parliament.

(4) A National Army is an absolute necessity, and the composition of the various units, companies and regiments on a caste and religious basis should not be maintained. This leads to unnecessary emphasis being given to caste, and tribal differences. The Army was organised on a more national and democratic basis in the beginning of the British rule, and I respectfully suggest that the same procedure should be adopted.

#### THE POSITION OF THE PUNJAB HINDUS EXPLAINED WITH REGARD TO SELF GOVERNMENT.

I am afraid that the position of the Punjab Hindus has not been correctly appreciated. It has been wrongly thought that they were opposed to full responsible Government. This, I very respectfully submit, is not correct. I had the honour of leading the Hindu deputation before Sir John Simon, when it was made absolutely clear that the Hindus of the Punjab want full Dominion status for the country, but they were opposed to the system of separate electorates, as it was considered by them to be non-democratic and non-national. They believed that instead of encouraging a spirit of goodwill and trust, the system of separate electorates stereotyped communal distinctions, created undue bitterness, and was responsible for the increase of communal bias in various spheres of public activity. On that ground, and that ground alone, it was submitted that they would have no advance at all, rather than that advance be made on communal and sectional lines.

Unfortunately, the position taken up by the Punjab Hindus has not been appreciated, and the advance is now to be on definitely communal and religious lines. The Hindus of the Punjab have not changed the views they expressed

31<sup>o</sup> July, 1933.]

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before Sir John Simon, but this does not mean, and it can never mean, that in the opinion of the Punjab Hindus the country is not animated by a spirit and desire for advancement to the full.

On the other hand, we maintain that all sections of the community, whether Hindus, Mohammedans or Sikhs, all peoples, whether living in the rural or urban areas, are eager for freedom and full responsible government. Various causes, into which I need not go, have stimulated the desire of the people for achieving national unity and national freedom. This national unity cannot be achieved by means of separate, sectional and caste differences, which have now been stereotyped on account of statutory sanction being given to them. Yet the spirit of freedom is abroad, and it cannot be crushed.

The organisation of the various communities in India, even on religious and communal grounds, has helped to create a spirit of restlessness, which is no less than a desire for advance. The people of India are not satisfied with the very moderate demands ceded to them under the White Paper. In the opinion of most of the people the White Paper gives with one hand and takes away what it has given with the other. This view of the situation may or may not be correct, but there is not the least doubt that this feeling does exist, even in the most moderate but influential circles of all the communities.

The White Paper, in order to meet the growing national consciousness and the desire for freedom, should be made more liberal. The impression that seems to be prevailing in England, that the National Congress is dead, or that the Civil Disobedience movement has been laid low for all time, is entirely wrong.

Similar impressions prevailed in this country after the martial law of 1919 in the Punjab. But the spirit of the Indian people, now awakened, can never be crushed. The best way and the only way to keep India and England together is to concede to the Indians their demands for self government to the full. This is the only way for peace in India. No other way can lead to the happiness and welfare of the people of the two countries—Great Britain and India—which is desired without exception by all reasonable men.

The scheme of the All India Federation, with central responsibility, holds the field in India, and it should hold the field in England. The efforts of all the British political parties should be directed to make the scheme more liberal, more fair, and more just, but under no circumstances should the name of the Hindus of the Punjab be used for the purpose of blocking Indian advancement towards full responsible government. A statement of that kind is not a true interpretation of their feelings, and is not a correct statement of their case. Even now, if a scheme of advancement on national lines—totally abolishing distinctions of caste and creed, religion or race—is produced, and the legislatures, District Boards, Municipalities and Services are freed from the communal poison, and statutory sanction is not given to their sectional distinctions, the Hindus of the Punjab, though in a minority, will gladly accept such a scheme. They will ask for no safeguards, or guarantees, for they know that a policy of mutual trust and goodwill is the only right policy. India now cannot be ruled any longer in the old way and on the old lines.

MEMORANDUM 69. THE NEW CONSTITUTION AND COMMUNAL ELECTORATES. SUPPLEMENTARY MEMORANDUM BY PANDIT NANAK CHAND, M.L.C.

SUMMARY.

I.—*The present position.*

The history of Communal Electorates in India—their recognised unsuitability for self-government—the views of leading authorities on the subject.

II.—*Evil effects of Communal Representation as seen since the Minto-Morley Reforms.*

(a) In the Legislative Council and the Municipalities.

(b) In the Services (including the Courts of Justice).

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[Continued.]

- (c) In education.
- (d) In taxation.
- (e) In treatment of the Depressed Classes.

### III.—*The effect the Communal Award will have upon public life.*

Communal tension will be increased—Britain's responsibility—unjust treatment of the Hindus—reason for this—the separation of Sind.

### IV.—*External dangers arising from the Award.*

The Imperial, military and strategical importance of the Frontier Provinces—recent frontier troubles, Afghan Invasion, 1919, Afridi Tribes, Hijrat Movements, 1921 and 1922, Ahrar—the proposal for a Pakestan—Lord Hardinge's advice, 1846—the dangers of communal passions during elections.

### V.—*The Award must be revised.*

Communalism should be abolished—equality of security must be established between the Hindu and Moslem communities—recommendations of the Simon Commission must not be thrust aside—equality of treatment for minorities must be granted—a Committee of Enquiry into minority treatment should be set up—equality of civic rights should be established.

### THE NEW CONSTITUTION AND COMMUNAL ELECTORATES

The new constitution is to be based on communal electorates under the Communal Award. That is to say, the Legislatures of the country are to be divided into water-tight compartments so far as the various religious communities living in India are concerned. In other words, it will be impossible for a Hindu to vote for a Sikh or a Moslem, for a Moslem to vote for a Hindu or a Sikh, or for a Sikh to vote for a Hindu or a Mohammedan. Similarly, Christians and Anglo-Indians will have separate electorates.

Such a system of electorates is not likely to lead to the growth of public spirit, or to harmony between the communities. As a matter of fact, communal electorates have been universally condemned. They were introduced for the first time under the Minto-Morley Reforms, but at that time nobody was thinking of responsible self-government for India. Indeed, Lord Morley took great care to make this clear in his public statements. The learned authors of the

Montagu-Chelmsford Report condemned this system of government. They said.—

“The communal electorates perpetuate class divisions and stereotype existing relations, and they constitute a very serious hindrance to the development of the self-governing principle.”

The Statutory Commission which investigated the constitutional question also fully realised the danger of communal separate electorates. The Prime Minister himself spoke in no uncertain terms about the injurious character of the system —

“The evil of communal electorates (he said) has assumed its most dangerous form and proportion in India, where different communities are out to claim that the Legislature is to represent not regions but religions.”

Communal electorates were a concession to please the Moslems. Under the Montagu-Chelmsford Reforms the system has had a long trial, and so far as the Punjab province is concerned the ill effects of this system of government are writ large upon the history of the last 12 years.

### EVIL EFFECTS OF COMMUNAL REPRESENTATION.

The communal electorates have poisoned the public life of the Punjab, and have been productive of great bitterness between the various communities living in the province. The majority community have not failed to take undue advantage of the power which came to them under the system of government based upon these communal electorates. Communalism has entered every sphere of public life, and has marred the usefulness of such public bodies as the Legislatures, municipalities, the Services, and schools and colleges. A careful study of the debates of the Punjab Legislative Council would show how almost every important question has been discussed and debated from the purely communal standpoint. The majority of the questions which have been put to the ministers and government officials have been inspired by communal motives. No secret is made by the members of the Council of their communal prejudices.

It is natural that at the time of the elections the various candidates representing, not the people at large, but

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only the various communities, should hold out promises to the electors for securing to their own community unfair concessions and advantages. Communal newspapers and communal leaders have come to the forefront, and have helped to fan the flames of communal bigotry and jealousy. Riots have increased. Attempts have been made to crush religious freedom and liberty by illegal means. In many cases, to secure advantages in the municipalities, communal considerations have prevailed. In most of the municipalities communal electorates have been introduced, but where the majority community would have helped the minority by introducing separate electorates, they have been refused. In the District Boards separate Communal electorates have not been introduced as they would have helped the minorities as against the majority, so far as representation on the District Board was concerned.

#### *Services.*

Even in the Services, which are the mainstay of our administration, and where one would expect that the right men would be chosen irrespective of religion, caste or race, posts are given on the basis of religion or caste. Authoritative declarations were made by a high Government official in the Legislative Council of the Punjab that, in the Services, communal percentages could not be fixed, but actually the Punjab Government has forced various departments to recognise the principle of filling posts on a communal basis. Even such high and august posts as judgeships of the High Court are demanded and filled on the communal basis. The efficiency of the judiciary, which has been the foundation of the popularity of British Rule in India, is being undermined by introducing the communal spirit into it, and this has been responsible for the invasion of communal bias in the decisions of judicial cases.

It is clearly recognised in the case of subordinate judgeships that communal bias has increased.

In the services, not only communal but caste considerations prevail with the Government for the filling of posts; and the Punjab Land Alienation Act has also been made the basis of filling public posts.

It is, therefore, only natural that corruption should increase and efficiency be lowered, and whenever attempts are made to bring offenders to book, the plea put

forward is usually on the lines of a communal defence.

The doors of the Services have largely been barred against Hindu youth merely because they happen to belong to a minority community.

#### *Educational Interests.*

Attempts have even been made (in some cases unfortunately with success) to introduce the communal poison into schools and colleges. Admissions to the educational institutions are being regulated on a communal, and in many cases, a caste basis. In the Punjab the Hindus and the Sikhs find it extremely difficult to get their own languages or scripts recognised as official languages, and as a medium of instruction in the schools and university curricula. In fact, in many districts in the Punjab, schools have had to be closed down because the District Boards would not give grants in aid of the Sikh educational institutions.

It has been very difficult for the Hindus and the Sikhs to understand why their languages and scripts should not receive similar treatment to that granted to Urdu in the neighbouring province of the U.P.

#### *Taxation*

Discriminatory treatment in the levying of punitive taxes is another glaring instance of this communal bias. In the town of Bajwara, in the Hoshiapur district of the Punjab, the Hindu and Sikh families were forced to pay a punitive tax while none of the Moslems were taxed, because the Deputy-Commissioner belonged to the majority community.

#### *Depressed Classes.*

The efforts of the non-Moslem communities to raise the status of the Depressed Classes has been resisted by the majority community with a determination which is difficult to understand.

Thus we find that under this travesty of democratic government the life of the country is already being slowly and systematically poisoned, and under the Communal Award the process will receive tremendous impetus.

#### THE EFFECT OF THE COMMUNAL AWARD UPON PUBLIC LIFE.

Though the results of recognising communalism as a basis of government have been so disastrous, it still does not seem to have suggested itself seriously to the framers of the new Constitution that the

31<sup>o</sup> Juhl, 1933.]

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time has come for communal policy to be totally abandoned. Rather, under the Award, communalism has been given a recognition which it is difficult to see will at any time be abandoned.

I submit, very respectfully, that the Award is extremely one-sided and unjust, and is likely to create even more bitterness between the various communities than exists at the present time. It will become a matter of extreme difficulty to run a Government smoothly. There is bound to be a perpetual struggle for undue favours and concessions, and troubles are inevitable.

The responsibility for introducing a government of this nature lies at the door of the British authorities. It cannot possibly be attributed to any others. As the Paramount Power, responsible for the peace and tranquillity of the country, it is of primary importance to Britain's reputation that the course taken should be a right one.

#### *Injustices to the Hindu Community.*

Looked at from the purely communal point of view, the Hindus have been most unjustly treated.

(a) The Hindus, who represent about 75 per cent of the whole of British India, have been reduced to a minority of 45 per cent. in the Central Legislature.

(b) In the Provinces of Bengal and the Punjab, where, as minorities they were entitled—on the formula propounded for the benefit of the Moslem minorities—to a weightage, they have not been given representation even on a population basis.

(c) The investigations made by the Simon Commission and their subsequent recommendations have been arbitrarily thrust aside. In so far as the Punjab is concerned, the Communal Award gives to the Moslems much more than was demanded by them in the Punjab Provincial Committee. In a House of 165 members they wanted one more seat than all the other communities combined, whereas in the Communal Award they are given about 52 per cent. of the seats.

The Punjab Hindus, who throughout have co-operated with the Government and have fought elections against the Congress candidates and defeated them in order to get their grievances redressed, have been placed as "hostages" in the hands of the majority community, and as if this were not sufficient, the Sind,

in spite of its financial bankruptcy, is to be carved into a new Moslem province to satisfy Moslem demands.

#### EXTERNAL DANGERS ARISING FROM THE AWARD.

It is very difficult to understand why grave Imperial, military and strategical considerations have not been taken into account when making the Communal Award. It must be apparent to every student of the subject that whenever the Communal Award is made the basis of a new Government, and the separation of the Sind is accepted, there will be on the frontiers three important strategic provinces, namely, the North-West Frontier, the Punjab and Sind.

A strong Moslem Government based upon communal electorates will be established in each of these. But it is forgotten that beyond the Punjab there are independent Moslem States such as Afghanistan and Persia, and that close to the borders of the North-West Frontier there are independent tribesmen always armed to the teeth and periodically making raids on the frontier. It is forgotten that only in 1919 the Afghans invaded India. It is forgotten that the Afridi Tribes have been giving constant trouble to the British authorities. It is forgotten that there was serious trouble due to the religious Hijrat Movements in 1921 and 1922. It is forgotten that the Ahrar Movement is still active in the Punjab, and has created trouble in Kashmir quite recently. It is forgotten that some of the Moslem leaders are dreaming of establishing a "Pakestan" (that is, "a land of the pure" as opposed to "a land of the infidels") in these frontier provinces.

So long ago as 1846, Lord Hardinge, the then Governor-General of India, issued the following warning with regard to the Punjab and the North-West Frontier —

"I am satisfied that the Mussulman population will be generally ready to make common cause against the British power, whenever any Afghan or Persian intrigues may afford the opportunity. This restless feeling was felt in the Deccan—and to allow a Mohammedan Power to occupy the Doabs between the Khyber Pass and the Sutlej would excite and revive Mussulman hopes throughout India. It is not desirable anywhere within our Indian Empire, but to permit it again to rear its head on our most vulnerable frontier, and in

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contact with the Mussulmans of Central Asia, would be a perpetual source of anxiety to the Government. If this be so, the Government of the Punjab must either be Hindu or British."

Again.

"This entrance (the Khyber Pass) into India has always been the high road taken by every invader. A Hindu Government acting as our advance guard had for thirty years barred this entrance against all intruders. The very existence of such a nation depended upon its success in subduing the Afghan and Mussulman population. A Hindu government under Runjeet Singh fulfilled all these conditions without any expense or anxiety to us. The Punjab was so hemmed in by natural boundaries that it could never materially extend its power in any direction by conquest. Having conquered its Mussulman enemies, it had a natural and mutual interest with the British Government in resisting all foreign aggression from Central Asia, and so long as a Hindu people could hold the Five Rivers, it appeared to me the arrangement best calculated to secure the interests of both Governments."

One can easily imagine the condition of these provinces which are in close touch with the frontiers, and what the feelings of the majority community will be when elections take place, and communal passions are roused by newspapers, political agitators, and the candidates interested in securing election to the various local bodies and the Legislatures.

It is not a policy of wisdom and foresight to establish strong Moslem States in these provinces. If the Moslems are to be given weightage in other provinces, it naturally follows that they should give the same concessions to the Hindu and other minorities in these provinces, especially when these minorities are living close to the frontiers of India and are in perpetual danger of attack from outside.

#### THE AWARD MUST BE REVISED.

It is, therefore, essential that the Communal Award should be revised before any attempt is made to implement the new Constitution.

(a) The Government should abolish communalism as a basis of government throughout India.

(b) In any case it should, in fairness to the Hindu minorities living in these Provinces, offer equal security to that which is proposed for Moslems in Provinces where they are in a minority. If the Hindu representation in the Central Legislatures can be cut down from 75 per cent. to 45 per cent., there seems to be no reason at all why in the Punjab the Moslem should not be content with 45 per cent. of the seats in the Legislature while their population is only 56 per cent.

(c) The recommendations of the Simon Commission must not be ruthlessly set aside. The unanimous verdict of the three great political parties in Great Britain is entitled to greater weight and respect.

(d) It is submitted that, in so far as the Communal Award is concerned, a uniform formula should be sought, and applied without variation throughout India, treating all minorities with equality. If the Moslems are entitled to receive excessive representation in the Legislature and local bodies of the U.P., why should not the same concessions be made to the Hindu minority in respect of the Legislatures and local bodies throughout the Punjab, Bengal, the North West Frontier, and in Sind—if the latter is to be set up as a new Province.

(e) With regard to Services in the Punjab, minorities should receive the same treatment as the Moslem minorities in the U.P.

(f) A Committee of Enquiry should be set up at once by the Joint Parliamentary Committee to consider the question of the treatment of the minorities in the various provinces during the last twelve years. It is submitted, with all respect, that such an investigation can only result in the recognition of a uniform method of treatment to be applied to all minorities alike.

(g) Before any system of democratic government is established, it is essential for the peace of India and the good name of the Government, that all His Majesty's subjects in British India should enjoy equality in so far as civic rights are concerned. The Punjab Legislative Council should be charged with the task of changing the discriminatory character of the Punjab Land Alienation Act, and money-lenders be-



31<sup>o</sup> Julii, 1933.]

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longing to the Agricultural tribes should be placed in the same category as those belonging to the non-Agricultural tribes; and the cultivators and agriculturalists of all castes should receive similar treatment. There should be uniform rule for all.

Justice and fair play must be made the bases of the new Government, with such equality established between the communities that none has reason to complain. Only so can the new Constitution bring justice and peace to India's peoples.

#### MEMORANDUM 61—BY B. C. CHATTERJEE.

##### I.

In the chequered history of British imperialism, a singular but sinister event is taking place in an Indian province which is worth more than a passing notice on the part of the British people. Great Britain appears to be proceeding to uncreate with her own hands what may be considered the most distinctive achievement of her Indian administration. I am referring to the Prime Minister's Communal Award and his subsequent incorporation of the Poona Pact therein—twin events which threaten ruthlessly to blot out the future of the Bengalee Hindu race. The fact hardly needs stressing that the outflowing of the Bengalee Hindu's genius and the upbuilding of Bengal's new civilisation and culture has been the outstanding phenomenon of British India. Bengal has a past history not devoid of interest; she developed a splendid literature before the British era; her sons were forward of all Buddhist missionaries to go and spread Gautama's faith over Tibet, China and Japan; and it was a Bengalee Prince who conquered Ceylon. But nothing done by Bengal in the precedent epochs is comparable to the reality and the results of her renaissance during the British period. From the days of Raja Ram Mohan Roy to those of Rabin-dranath Tagore, the Hindu community of Bengal has given birth to a continuous stream of thinkers, singers, jurists, scientists, artists, authors, reformers, philanthropists, patriots, orators, of whom any country would have reason to be proud. And this bursting of Bengalee life into flower in its different branches could without difficulty be traced, firstly, to the fact that the British have throughout been able to give Bengal the stability of law and order, and secondly, to the quick and sensitive response of the Bengalee Hindu mind to the stimulus of what may be termed the British En-

lightenment—the call of science, the inspiration of the immortalities of English literature, and of that romantic unfolding of the human drama which is British history. It is quite obvious that if England were held, here and now, to an account of what she has done in India—not merely in the matter of slitting open a few deserts with canals and turning them into smiling gardens—but by way of developing India's human material, she would have to fall to recounting what has happened in Bengal during the period of her stewardship of India. She would have to refer to Ram Mohon Roy, Bankim Chandra Chatterjee and Rabin-dranath Tagore, Keshub Chandra Sen and Surendranath Banerjea, Jagadish Chandra Bose, Profulla Chandra Roy and the modern school of Bengal scientists with its immense promise of growth. England could hardly point to the Rajput, Sikh or Marhatta as shining examples of her work in India, for they had been very much there before her advent, and have hardly (with one exception) since cultivated her science or letters. Gandhi is not a British product, but is rather the embodiment of an Eastern protest against the very spirit of Western culture.

And yet, by one of those ironies of fate that strew the pathway of history, England is taking up the role of filicide towards Hindu Bengal. She is behaving as the unconscious mother smothering her own child by turning on the wrong side in her dream. In her new dream of Empire, England appears to be unconsciously turning on the wrong side to crush the Bengalee Hindu out of existence. By his last Communal Award the British Premier has given the general body of Hindus in Bengal 80 seats in the coming provincial Parliament as against 119 seats awarded by him therein to Bengalee Moslems. The prevalent opinion in England that the Hindus of Bengal have accepted that Award does the latter



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grievous injustice, and is charged with the potentiality of much trouble in prospect. British statesmen were heard to say in the years 1905 and 1906 that the Partition of Bengal was a settled fact, and that Bengal had accepted it. That was a half-truth, too, pregnant with explosive possibilities. Like the Premier's Award, it was accepted by the Moslems of Bengal who stood to gain by it, but the Bengalee Hindus opposed it to a man, and it took England's Ministers 7 years of bitter agitation and trouble to make sure of the fact, and then to undo the Partition by invoking the personal aid of no lesser a personage than His Majesty the King.

Tragedy stalks Bengal once again in the guise of the Award. The Partition spelled trouble for the handfuls of Hindus in Eastern Bengal; the Award threatens the Bengalee Hindu's very existence. It treats the two centuries that have rolled by since the battle of Plassey as an irrelevant interlude, and seeks to confer the sovereignty of Bengal once again on the very Moslems from whose ancestors Great Britain had wrested it in 1757. It is beyond all cavil or question that under the prospective Constitution the Moslems of Bengal would form the biggest majority party in the Provincial Council, and that the Governor would in consequence have to send for the leader of that party to form his Government. (This would be so even on the supposition that the Hindus captured the majority of the special seats created by the Award.) In view of the fact that our Moslem brothers in Bengal have steadily refused our offer of a joint electorate in any shape or form, we may legitimately conclude that the leader of the Moslem party so sent for by the Governor would form his Cabinet on communal lines (except it be that he might have on it a representative of the so-called Depressed Classes who would be utterly dependent on him). We may also confidently anticipate that a Government so summoned into being will bring on legislation of a grossly communal type, if we are to judge of matters in the light of the action of the local bodies with Moslem majorities in Bengal which have deliberately discontinued grants to Hindu institutions, and denied Hindus the amenities which they have extended to Moslems living in the same area with a cheerful readiness. The Government of Bengal could furnish a thousand and one instances of such local misgovernment, if called upon. There is not the smallest

reason to suppose that Bengalee Moslems will undergo a deep change, and pass into something rich and strange, on being invested with sovereign power in Bengal. All the indications are, to the contrary, even those afforded by the zeal and enthusiasm of the present lot of Moslem M. L. C's, which is all in the cause of legislative and administrative action in the special interest of the Moslem community.

The fact stares us in the face that it is the Hindus—and pre-eminently the Bengalee Hindus—who have worked for and won the grant of free institutions to India. Throughout the last half-century of political struggle and striving our Moslem brethren of Bengal have held their hands off, and not even taken the interest therein of being lookers-on. To drive us under subjection to them is deliberately to look for trouble. All the more so, when it is a moral certainty that the Moslem majority in Bengal is going to be communal, and not patriotic. While the Hindus have throughout demanded rights and privileges on behalf of all Indians, Hindu and Moslems, the Moslems of India have not been able to formulate a single claim since the introduction of the Reforms which was not strictly limited to their community. And the mentality underlying their demand is so inverted, so subversive of all that one understands by the word "patriotic." When Hindus made the demand in the past years for entry into the higher services of India, and were told that they could only do so on the basis of an open competition with the Britishers, they accepted the suggestion with alacrity, and sent their sons to England to acquire the necessary education to compete with the British entrants for the services under notice, and the world knows the result that followed. One wonders if Great Britain would at all have entertained our claim to self-rule if our young men had not proved themselves to be in a state of moral and intellectual parity with British youths under conditions of a fair field and no favour. But what say our Moslem fellow-men? They want to get into the higher directive services of India, not on the basis of competition, but on that of nomination! What would Great Britain say to Scotland if her statesmen were to insist on Scottish youths being nominated into the Home Civil Service on the ground of their inability to compete with England's young men? Such a contingency is impossible because every Britisher puts his country before sect, creed, or

31<sup>o</sup> Julii, 1933.]

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other individual considerations. And unless and until the Moslem of Bengal has learned to do so—and he is far, far from it—how is Great Britain going to hand over the destinies of the Bengalee Hindu to his keeping? The first and the last quality we expect, and have been taught and encouraged to expect, from the Britisher is justice. And why should that great and blessed quality be absent from a political award made by the Prime Minister of Great Britain in so far as it affects the Hindus of Bengal?

It is not so long ago that the present writer made an appeal to the Moslem members of the Bengal Legislative Council across the floor of the House, with the consent of the Hindu members, to agree to come into the new Council on the basis of a joint electorate. That would ensure their coming into the Council with a Moslem majority, too; but the Hindus were and are, agreeable thereto, inasmuch as a joint electorate is the only conceivable basis of democracy, and further, as the Hindu voters would in such event be able to hold the Moslem members returned on their votes to an accounting for their doings in the Council. A chilly silence was all the reply to that offer. We, Bengalee Hindus, have done our utmost to convert Bengalee Moslems to nationalism, but the latter have refused to be so converted up to date. The British Premier's Award has since ratified that refusal. And that Premier is none other than *the* Ramsay MacDonald who has all along been the friend of Bengal Hindus, and to whom the latter have throughout owed and rendered something of a spiritual allegiance! And what sort of a future is he committing us to? I refrain from drawing a picture of it to avoid exacerbation of feeling. But I echo the real feeling of the Bengalee Hindu in stating that he would prefer some kindly plan of immediate extinction to that slow poisoning of the body politic in Bengal which must result from the Award. It cuts asunder all the threads of the past political growth and tradition of British-India so unaccountably. In the last agreed political settlement reached by the Hindu and Moslem representatives of all India at Lucknow in 1916, Bengal's Hindus were given six seats as against 40 seats allotted to Bengal's Moslems on the Provincial Legislative Council. The last Government of India Act incorporated this arrangement. The Simon Commission indicated in the clearest words that this

proportion would be kept up by the British Government in the absence of any fresh agreement between the parties concerned, or in the event of Bengalee Moslems not agreeing to have a joint electorate. Bengalee Hindus took that to be a serious and authoritative pronouncement. They had every reason to. What was ethically right only a few years back cannot have turned itself into a wrong in the interval. Such quick-change political artistry, surely, cannot be the foundation of an imperial settlement between Great Britain and India.

The retort will probably be forthcoming that Bengal has so misbehaved herself in the interval, as far as her Hindu population is concerned, that the anarchical movement, still on foot, and led by Hindu boys and girls, has so blackened the Bengalee Hindu's record, that his community has thoroughly deserved the treatment meted out to it by the Premier's Award. But is it justice, or is it not against all the accepted tenets of British justice, to punish a whole community to the point of wiping out its political future, for the sins of a bare handful of its irresponsible youths? Burke's refusal to draw up an indictment against a whole people has lost none of its validity. All the articulate classes in Bengal—Co-operators and Non-co-operators alike—have with one voice condemned the anarchical movement in Bengal. That these denunciations have not been in the nature of pious professions, but been sincerely meant, is proved by the fact that the young revolutionaries have all along found themselves driven to commit acts of brigandage with a view to securing the wherewithal for carrying on their propaganda and their work. No Bengalee worth the name has aided the movement with a penny. One hears a talk, now and then, of there being brains behind the movement. It is quite natural for the casual observer to say so. But those who really know the movement will willingly testify that it is the work of Bengalee youths of between 16 and 22 years old. Older people are not trusted as being liable to fits of cowardice. We have the further definite fact that the incarceration of Messrs Subhas Bose and J. M. Sen Gupta who were considered to be the brains of the party did not in the least interfere with its continuance and activities. What does seem to have crippled the movement for what may be considered an appreciable interval of time is the

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Government steady pursuit of the policy of internegging every suspect. And let us also not lose hold of the circumstance that on a liberal estimate the number of these youths would not exceed 1,000-1,500 in a population of about 22 millions. The latter know nothing of how and where the revolutionaries carry on. I personally know of many distressed parents—who would no more countenance a revolutionary movement than undertake a flight to the moon—having been surprised out of their breath on hearing reports of their boys or girls having bombed or shot somebody. The secrecy pursued and preserved by the revolutionaries has mystified the nation, and not unoften baffled the police. There it is, and could Great Britain be heard to say to the whole Bengalee Hindu community “you are going to be punished for what you are not responsible”?

## II.

And to add to our distress, Mr Gandhi gives away 30 out of the above-mentioned 80 seats on the Bengal Legislative Council to the so-called depressed classes in Bengal, and the Premier promptly promulgates his acceptance of this act of Gandhian charity! The most curious feature of the Poona Conference was that the high-caste representatives were summoned to it from all the Provinces but Bengal from where its conveners were pleased to invite a solitary *Namasudra*, one Mr. Rasik Biswas claiming to represent no more than a mere section of the *Namasudras* of Bengal, who constitute, according to the schedule published by the Bengal Government, one out of the 86 Bengalee depressed classes. The essential point of the note appended to the Premier's Communal Award was that it could be supplanted in whole or in part by an agreed settlement among the parties concerned. The Poona Pact was far from being an agreed settlement as far as it concerned Bengal, 99 per cent. of the castes and sub-castes making up the Bengalee Hindu community not having been represented at its genesis, and rather having been ostentatiously excluded therefrom. How can we, and why must we, Hindus of Bengal, be held to the terms of this Pact in the circumstances? It has already bred bitter discontent throughout the Province by reason of its inherent injustice and unfairness. The Lothian Committee which held a penetrating investigation into the whole question at first hand came rightly to the conclusion that the problem of

depressed class representation does not exist in Bengal as it does in the other Provinces. All Bengalee Hindus—irrespective of questions of caste or sub-caste—draw water from, or bathe in, the same well or tank without let or hindrance, all the Hindu boys and girls of the Province go to the same schools and colleges, and enjoy an equal status therein, Bengalee Hindus of each and every caste fill public offices and the professions on the footing of an absolute equality. From the political standpoint, one would be justified in saying that there is no such body as the depressed class in Bengal at all. There is not a single public right or privilege from which a single so-called depressed class Bengalee is debarred by reason of his birth. The aforementioned Mr. Biswas (who came to give evidence before the Lothian Committee), when challenged by the present writer to point out a single instance of denial of a political right or privilege to his caste-people on the score of their being *Namasudras*, could do no better than complain that they could not marry the daughters of high-caste Bengalee Hindus! There are of course, social inequalities in Bengal, as everywhere else, the differences manifesting themselves in that Province in the circumstance that the whole community of Bengalee Hindus is divided up into over a hundred castes (with the Brahman at the apex) whose members may only inter-marry or “inter-dine” within the limits of their respective castes. The prohibition against inter-dining (as the expression goes in India) between castes is, however, breaking down amongst the educated, i.e., the politically minded classes. During the last session of the Council, the present writer invited the Hindu, Moslem and European M.L.C.'s of Bengal to meet the *Mehter* (the last on the social ladder) member of the Legislative Council at tea in the Council Restaurant, and the remarkable feature of the gathering was that all the high-caste Hindu M.L.C.'s made a point of being present, and that they fraternised as intimately with the *Mehter* M.L.C. as the Europeans and some of the Moslems did. Not the least interesting fact to relate is that a number of the so-called depressed class M.L.C.'s made themselves scarce for fear of losing caste! The essential fact to bear in mind about Bengal is that the high caste Bengalee, even of the orthodox type, leaves his orthodoxy aside in deciding on matters of cultural or national importance. His religious notions which prevent him from

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sitting down to a meal with a European has not in the least stood in the way of the Bengalee youth, even of the orthodox type, cultivating an intellectual intimacy with his Missionary teacher, and entertaining deep feelings of affection and respect for him. Similarly with regard to the men of his own community who have won his spiritual homage. Sir B. N. Seal—comes of a caste whose members could not hand round a glass of water to the men of high castes to drink—has been the acknowledged *Guru* of two successive generations of high-born Bengalee Hindus. Bengal's higher classes have always welcomed men of the lower rungs of the social ladder into high public offices, offering them the same respects they would to the high-caste incumbents thereof. No Bengalee but is proud of Dr. M. N. Saha—Bengal's youngest F.R.S. Education is a passport to every Bengalee Hindu for entry into the freemasonry of what is known as the educated community which cuts across all the divisions of caste and sub-caste, and the only way a man excels therein is by virtue of his moral and intellectual equipment, the question of his origin playing no part in determining his status in it. And in a like way, in Bengal's world of politics, its most distinctive feature consists in the fact that even the most zealous exponents of orthodoxy, the high-born Pundits and the like who have had nothing to do with Western education, shed their bigotry completely when addressing themselves to the task of electing a fit man to the Legislative Council or other public bodies. They always have their eye on the quality of the candidate's political creed, and never on his caste. In the general election campaign of 1923 the late M. C. R. Das swept the board practically clean of all the candidates of his rival parties on the ground that he was regarded as the greatest patriot of Bengal. He had been most heterodox in his mode of living, and was certainly an outcaste from the standpoint of Hindu orthodoxy. But he carried practically all the high-caste Hindu votes including those of the orthodox. The present writer (who happens to be a Brahman) was easily defeated during that campaign by a *Namasudra* nominee of C. R. Das. The latter won the overwhelming majority of high-caste votes in the constituency concerned. It is the commonplace of one's experience in Bengal to see high-caste people vote a low-caste candidate to a public body, central or local, to

see the former serving, honouring and obeying the latter in a variety of ways, although there could be no social intercourse between them by way of inter-marriage or inter-dining. The Poona Pact could no more be made to apply to Bengal than it could be to England whose sons and daughters hold very exclusive views on the question of marriage, and—may one add?—on that of inter-dining, too. There is no understandable principle behind the Poona Pact in so far as it seeks to govern the elections to the Bengal Legislative Council. It wears the appearance of an ill-informed attempt to re-barbarise Bengal, to drag her back into conformity with those parts of India which have yet to develop a political conscience.

How is one going to formulate the distinction at all between the depressed and non-depressed with a view to ensuring a real representation of the Bengalee Hindu community on the Legislative Council? The list of the depressed originally compiled by the Bengal Government was clearly based on the fact of their educational backwardness. And the list has since gone on dwindling as each caste whose members have been able to educate themselves has had its name taken off the depressed category by making special representations to the Government. The *Subornobaniks*, *Sahas*, *Tantubuiys* and *Mahishyas* who have in the latter years taken to education with earnestness are all off that list. It was the turn of *Namasudras* who also count a perceptible number of educated men in their ranks to declare themselves off next. But for reasons which need not be discussed now they took up the cry during the visit of the Simon Commission in favour of separate electorates, and separate representation on the Legislative Council, local bodies, and even the State services, on the analogy of the Moslem demand for the same. They were hard put to it however to formulate a basis for their separatist creed in view of the avowed elasticity of the Hindu social structure in Bengal, and have indeed failed to offer a rational one up to date. Their attempt to make out a case before the Lothian Committee ended in disastrous failure. A *Namasudra* gentleman who was sitting as a member of the Provincial Franchise Committee took it upon himself thereafter to submit a note to the Lothian Committee behind the backs of his high-caste Hindu colleagues (vide Vol. II of the report, pp. 251-259,

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and 261-262) wherein he formulated a novel distinction of his own between Bengal's depressed and non-depressed. Shortly stated, his definition would exclude from the category of the depressed those 9 castes in Bengal whose members are entitled to pass round a drink of water to an orthodox Bengalee Brahman, and would include in that category all the rest who are not so privileged. Such a definition ignores, in the first place, the definite fact that orthodoxy is altogether on the wane in Bengal, and in the next place, the incandescent reality, that the orthodox cast their orthodoxy aside at the time of electing a candidate to the Council. But above all, the definition defeats itself. The fact has to be remembered, in this connexion, that the *Namasudra* rigidly excludes all members of the castes below his from social communion, and would certainly not accept a drink of water from the hands of such people, and since he is pretty high up on the social ladder with its 100 and odd rungs in the shape of castes, he dis-entitles himself, on a parity of considerations, from representing the vast mass of Bengalees below him in social rank. In fact, in view of the total absence of social communion between caste and caste, the definition under consideration would necessitate the separate representation of each caste on the Bengal Legislative Council! The last and the paramount circumstance ignored by the author of the definition is that of the 86 so-called depressed classes on the Government schedule, none but the *Namasudras* and *Rajbansis* have hitherto asked for separate representation, and it is incompetent to only these two particular classes to speak on behalf of all on the very grounds of distinction formulated by themselves. The further fact confronts one that the members of these two castes are so distributed over the districts of Bengal that they would be bound to capture at least 25 out of the 30 seats allotted by the Poona Pact to Bengal's depressed. This is a chilling prospect for the 84 out of the 86 castes on the schedule, and they distinctly prefer being represented on the Provincial Council by the higher caste Bengalees possessing greater education, power and enlightenment than the *Rajbansi* and the *Namasudra*. Indeed it is the people of the higher castes, and not of the two claimant ones, who have founded various missions, educational and otherwise, to bring about the uplift of the backward sections of Bengalees.

Judged by every possible test, the Poona Pact seems to be unfair to the Hindus of Bengal. It threatens to cause a serious set-back to the movement of enlightenment and emancipation we have spoken of. The *Rajbansis* who had so long been styling themselves *Kshattriyas* and clamouring to be put out of the schedule, have since elected to stay back among the depressed. Nor does one understand how the Poona Conference came to give away 30 seats to the classes under review. The Premier had given them 10 seats for 20 years on the basis of a joint electorate. The Poona Pact enlarges the number 3 times, and creates at the same time what amounts to a separate electorate for the said classes. Asked for the reason of it by the present writer, Mr. Gandhi wrote to say "he was a *centpercent-wallah* and therefore did not examine the seats allotted." This frank avowal surely knocks the bottom out of the Prime Minister's acceptance of the Poona Pact in so far as it touches Bengal.

### III.

Thus stands the Hindu community of Bengal *vis-a-vis* the new constitutional proposals. Their materialisation on the basis of the Premier's Award as supplemented by the Poona Pact can only result in wiping that community off the political map of India. The Prime Minister drives it under a Moslem hegemony in the first instance, and then lifts the sword handed over to him by Mr. Gandhi (!) to cut it asunder, the two pieces whereof will have every encouragement and reason to repeat the story of the famous pair of Kilkenny cats. Can Great Britain expect the Bengalee Hindu to accept the prospect, or would she not humanly expect him to fight against it to the last breath in his body?

And yet all this alienation is avoidable, and is being gratuitously courted. The proposed reforms would hardly get a chance in India if the British were to drive the main body of Bengalee Hindus into a maddening paroxysm of estrangement therefrom. All the aftermath of the Bengal Partition points to such an inference. The present writer who most earnestly wishes to see the coming constitution get under way is far from intending to utter idle threats. But past experience cannot be ignored. The Bengalee Hindu who is the most emotionally charged of all Indians can do all the mad things and bad things that result from a sense of outraged patriotism. It is the earnest prayer of

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the present writer that England shall not drive him thereto.

The difficulty is that there is patent injustice characterising the Prime Minister's Award. The number of adult Bengalee Hindus is 11,503,668; that of adult Moslems in Bengal is 12,855,474; the franchise is to be conferred on a proportion of these two bodies; and bear the fact in mind, as already stated, that the introduction of free institutions into India has not owed anything at all to the efforts of Bengal's Moslems, but has admittedly owed much to the efforts and sacrifices of Bengal's Hindus, further, that the culture, wealth and enlightenment of modern Bengal are practically synonymous with Hindu Bengal, on what principle does the British Premier allot 119 seats to Moslems over against 80 to Hindus? The only other possible reply would be "because they were the previous rulers of Bengal." To say so would be to repudiate all that the British have brought about in Bengal since 1757, it would be to initiate a new chapter of Bengal's history headed "The betrayal of Britain and Bengal." The present writer would respectfully suggest, in view of the insignificant difference between the two sets of adult population in Bengal, that the two communities should be called upon to elect their representatives to the reformed Council either on the basis of a joint electorate pure and simple, or in the alternative, on the basis of an equal division of the seats in the Council between themselves, after counting out those reserved for the Britisher, Anglo-Indian, and Indian Christian. Such an equal division could

be effected either on the footing of a joint or of separate electorates, although the former alternative would be preferable to every nationalist. The effect of an equal division of the seats between the two communities would be to paralyse the spirit of communalism, as the representatives of neither community would be able under such an arrangement to carry any measure through the Legislature with the aid of their communal votes only. And it is hoped that when both sets of representatives find themselves in a parity of advantage and disadvantage, and impotent for doing evil to each other, they may awake to the feasibility of doing good to each other by combining their votes in furtherance of their common weal. This ideal of an equal division of the council seats has been before both the communities for some time, and one's prayer goes up from the depths that England will give effect to it. The highest justice is to undo previous injustice, and no imperial country has, within recorded annals, known how to do it better than England. Lastly, the Premier's application of the Poona Pact to Bengal must needs nullify itself in that Bengalees knew nothing about it, and have since its promulgation universally disagreed from it.

Let England do these two courageous acts of justice, and introduce the Reforms into India with the Hindus of Bengal on her side. And it is the firm belief of the present writer that such righteous action will win over the present revolutionary youths of Bengal in the same way that the courageous declaration of the 20th August, 1917, won over the then revolutionary party of India.

#### MEMORANDUM 62 (SUPPLEMENTARY) BY B. C. CHATTERJEE.

##### I.

The Premier's Award, in so far as it affects Bengal, constitutes a denial of responsible government to its people.

(a) Responsible government is promised in the Declaration of the 20th August, 1917.

(b) The promise is repeated in the Preamble to the Government of India Act.

(c) The Simon Commission presupposes it as the basis of their deliberations.

(d) The Premier laid down in his letter of instructions to the Franchise Committee that "it has been decided that the Governor's provinces are to become re-

sponsibly governed units." (*Vide* Franchise Committee's Report, Vol. I, p. 7.)

(e) The implications of responsible government are clearly stated by the same Committee on p. 8 of the same volume. Among other things, the legislature will have to contain "elements required to form both stable ministries competent to conduct executive government in the conditions of modern India, and oppositions capable, not only of criticism, but of forming an alternative government."

(f) The conditions above stated could not come into operation in Bengal unless the Premier's Award were modified.



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(g) The Award gives the Moslems of Bengal 119 reserved seats on the Bengal Council on the basis of a communal electorate.

(h) On the basis of a very conservative computation, Bengal's Moslems would be able to secure 6 out of the 20 special seats reserved under the Award. They may secure as many as 12.

(i) Even if they secured no more than 6 of the special seats, their party would be 125 strong in a House of 250 of whom Hindus would be 94, Britishers 25, Anglo-Indians 4 and Indian Christians 2.

(j) The Moslems would, under such circumstances, form the largest communal majority party in the Province, and the Governor would be constitutionally bound to send for its Leader, and ask him to form his Government.

(k) There would be the greatest incentive for all the Moslems to hold together in a single party in view of all the 7 ministries being available to their representatives in the event of their sticking together.

(l) The Britishers, Anglo-Indians and Indian-Christians would normally vote with the Moslem Government so formed. Past experience of working of Legislative Councils would warrant such a presumption.

(m) There would be the greatest temptation for a Government so formed to go in for communal legislation and non-neutral administrative acts to the prejudice of Bengalee Hindus.

(n) Past action on the part of Moslem majorities on Bengal's local bodies would justify such a fear.

(o) In the event of the Hindu community of Bengal feeling aggrieved by the acts and omissions of the communal Moslem Government, the Hindu members on the Council would be unable to bring about a dissolution of the Government by bringing on a vote of censure; nor would the Hindu voters be able to elect the members of an alternative Government as the result of a re-election.

(p) Even if the Britishers, Anglo-Indians and Christians were to agree to combine with the Hindus—a very remote possibility—they could not form an alternative Government in the circumstances.

(q) The Award would translate into effect the very contingency that was unanimously ruled out by the Simon Commission in reference to Bengal and the Punjab, namely, a definite Moslem majority in the Legislative Council unalterable by any appeal to the electorate

(Vide Report of the Indian Statutory Commission, p. 71, Vol. II).

It is respectfully submitted that the terms of the Communal Award in so far as it affects Bengal, go beyond the scope of the authority conferred on the Prime Minister by Parliament.

## II.

(a) The introduction of a joint electorate would be a solution of the whole difficulty.

(b) The Simon Commission advocated it (Vide, p. 72).

(c) Failing joint electorate, and any agreement between the parties concerned, Parliament would be bound to formulate a scheme which would establish a parity of rights and obligations as between the two communities of Bengal.

(d) An important fact to note in this connection is that it is principally the services and sacrifices of the Bengalee Hindus which, admittedly, have won the prospects of responsible government for Bengal.

(e) Another fact is that, although the total population of Bengalee Moslems exceeds that of the Hindus by over 5 millions, the difference between the two sets of adult population is no more than 1,800,000 in round numbers.

(f) It is submitted, in these premises, that the numerical strength of the two communities should be judged, for the purpose of an equitable division of the Council seats between their representatives, on the basis of each community's respective adult, and not total, population.

(g) Further, it is the adult population on whom the franchise is conferred.

(h) It would also be unfair to let the dead hands of the buried little ones bear down the scale in favour of the Moslems in the weighing of the problem under notice.

(i) It is respectfully submitted that an equal division of the Council seats between the two communities—after counting out those reserved for the Britisher, Anglo-Indian and Indian-Christian—would be the most equitable in view of all the circumstances involved.

(j) It would put the two communities in an exact parity of political advantage and disadvantage, and would render each impotent for acting to the detriment of the other.

(k) It would consequently take away the incentive for the formation of political parties on communal lines, and provide the maximum of stimulus for Hindus

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and Moslems joining together to achieve their common good.

(l) A scheme of this character was formulated by the present writer as far back as the beginning of 1931 for adoption by both communities.

(m) The scheme further proposed an equal division of the ministry; and also of all offices under Government, subject to candidates of either community satisfying an irreducible minimum test of efficiency to be formulated by an independent Services Commission.

(n) The Moslem leaders of Bengal had the foresight to signify their assent to the scheme, subject to the condition that the Hindu leaders did the same.

(o) A minority of Hindu representatives agreed; but the majority did not, as they read into the Simon Commission's Report an authoritative indication that the proportion of Council seats prescribed by the Lucknow Pact and adopted by the Government of India Act would be maintained in Bengal and the Punjab in the event of the Moslems of those two Provinces refusing to have a joint electorate.

(p) The Hindus of Bengal will now be agreeable to such a scheme provided their Moslem countrymen agree thereto.

It is submitted with the greatest respect that, in view of all the above facts and circumstances, the Joint Committee will be pleased to recommend the aforesaid scheme for adoption by Parliament conformably to the latter's promise of responsible government to Bengal.

### III.

(a) The only possible objection to the scheme may lie in the fear that in the event of the Hindus returned to the Council being of the *Swarajist* persuasion, they might, with the aid of some Moslem M.L.C.'s, make the working of the Constitution impossible in the manner of their predecessors during the time of the late Mr. C. R. Das.

(b) It is submitted that there should be a Council-creed, just as there has been, ever since Mr. Gandhi's assumption of political leadership, a Congress-creed which every entrant to the Congress must subscribe as the condition precedent to his entry into that body.

(c) Every entrant to the Legislative Council should be legally required to pledge himself in writing to a declaration that he will, upon entry into the Council, work the constitution in the manner pre-

scribed and contemplated by the Government of India Act.

(d) Sanction should be attached to the declaration entailing immediate expulsion of the member acting in breach thereof, and entitling the rival candidate who had polled the next largest number of votes to come into the Council in his stead and place.

(e) Other penalties which may be considered adequate could be prescribed against the default contemplated.

(f) Congressmen who should appreciate the compliment of imitation paid to their organisation could not have the least ethical ground for objecting to such a provision of the law.

(g) It is not intended that Congressmen should be kept out of the Legislative Councils. All that is suggested is that they should come in as converts, and not as wreckers and destroyers.

(h) It is submitted that the new Constitution should not be placed at the mercy of those whose avowed aim is to destroy it.

(i) Should the Bengal Legislative Council get the chance of working for 10 years on the footing of the redistribution of the Council seats above suggested, and of the exclusion of wreckers, it would be able to do much real work for the people of Bengal, and throw all other rival organisations into shade in consequence.

(j) The scheme of redistribution of Council seats and that of formulating a Council-creed go together.

(k) The Governor's decision on the question of whether an M.L.C. has acted in violation of his pledge or not shall be final, and not be open to question in any court of law.

### IV.

(a) The present writer who had acted as Counsel for the various members of the earlier revolutionary party of Bengal, on trial in different courts, was able to bring about an understanding between that party and the Government after the passing of the Government of India Act of 1919.

(b) Most of the men who were released on their pledge of loyalty to the new Constitution have since remained true thereto.

(c) A great many of the facts relating to the above matter would be found in the late Mr. Montagu's Diary, and Sir Valentine Chirol's last book on India (being a collection of his letters to The



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*Times*), and would also be within the recollection of the Marquess of Zetland.

(d) The writer issued a public appeal to the members of the present revolutionary party in Bengal to give up their activities in view of the coming introduction of provincial autonomy. The Government of Bengal was pleased to send out printed copies of it to all the internees, deportees and political prisoners.

(e) The writer has since received a communication from a number of men confined in the Trichinopoly Jail (and considered by the Bengal Government to be important persons) asking for an interview for the purpose of discussing the details of the appeal made to them.

(f) This seems to point to a hopeful way of peacefully solving, for the second time, the very serious problem created by the revolutionary movement.

(g) On the contrary, the danger of the revolutionary youths (boys and girls) gaining a very great accession of strength, in the event of Bengal being made over to the management of a communal majority party of Moslems, is a terrible reality looming ahead.

(h) The *Anandamath* which is the Bible of the party preached a patriotic and holy war against Moslems.

(i) The very conditions imagined by Bankim in that book would become an incandescent reality, were the scheme of the Award to go through, and Bengal would in no time be involved in the red run of a revolution feeding itself on blood prodigally shed by boys and girls whose number would continue increasing.

(j) The writer is far from wishing to exaggerate.

(k) The Marquess of Zetland, who has had first-hand acquaintance with the facts of the last revolutionary movement, could be referred to for corroboration of the above statement.

(l) The real danger in Bengal lies in the doing of things that would antagonise its Hindu youths by igniting the fire of that militant idealism which the *Anandamath* has kindled into lasting life.

(m) The statutory establishment of a Moslem majority in the Council unalterable by any appeal to the electorate would just be calculated to achieve this.

(n) The present writer deems it his imperative duty to warn the Joint Committee of the utter impossibility of any Constitution working in Bengal in the face of a determination on the part of its Hindu youths to ensure its failure with the price of their lives.

(o) The revolutionaries are not with Gandhi, but are patriotic, and not unamenable to conviction, as past events show.

(p) When they find Bengal governed by the whole of the people of Bengal for the whole of the people of Bengal, their occupation will be gone, and they will revert to the cause of law and order, as did their predecessors.

(q) They are not anarchists.

## V.

The Poona Pact cannot but be revised in relation to Bengal, because

(a) Bengalee Hindus were no party to it;

(b) There are no depressed classes in Bengal;

(c) The Poona Conference did not in the least acquaint itself with the peculiar conditions of Bengal;

(d) Every Bengalee of any caste whatsoever, enjoys same civic and political rights with all other Bengalees, the quality and extent of his enjoyment thereof being determined solely by the state of his education and character, and not by the caste he belongs to;

(e) At the time of a general election, the Bengalee Hindu voter looks to the quality of the candidate's political creed, and never to his caste.

## MEMORANDUM 63. ON BEHALF OF THE CENTRAL HINDU COMMITTEE OF CENTRAL LEGISLATURES. BY BHAI PARMANAND, M.L.A.

### 1. *The Hindus and the Communal Settlement.*

While fully supporting the view that the responsibility given to the Central or to the Provincial Legislatures has been placed under so many restrictions as to

reduce it to a mere name, and that the safeguards with reservation of powers to the Governor-General and the Governors under the name of "special responsibilities", "discretionary powers", Governor-General's powers of issuing ordina-

31<sup>o</sup> Julu. 1933.]

[Continued]

ances and enacting special acts, etc., take away the spirit of responsibility leaving only the form behind, I have to submit that the chief subject which I propose to deal with is the grave wrong done to the Hindus by the settlement of the communal problem, commonly known as the Prime Minister's Award, and by the apportionment of seats in the Legislatures to various communities, as outlined in the White Paper.

2. *Wrong procedure adopted in arriving at a solution of the communal problem by mutual agreement.*

It was a wrong assumption, based upon a fallacious theory, that the communal problem of India could be settled by mutual agreement among the various communities and diverse interests, and further that the settlement was intimately connected with the question of Hindu-Moslem unity.

The Hindus and Moslems having entirely different ideals as to their future growth and development, it was no use mixing up the settlement of communal issues and the Hindu-Moslem unity or any agreement dependent upon it. Unfortunately however, the discussions in the Round Table Conference centered round the question of the unity of various communities and it assumed an unusual importance during the Second Round Table Conference, which was attended by Mahatma Gandhi. To achieve this unity was a passion with him and, to that extent, it proved to be a source of weakness. Hindu-Moslem concord, taken by itself, is an excellent thing, but as understood in Indian politics, it has led to untoward consequences.

The Congress, in its struggle to achieve self-government, has run into the habit of calling this struggle a war. For the purposes of war, of course, complete unity among different parties is essential. And, in order to secure that unity the leaders of the Congress had been offering higher and higher terms to the Mohammedans without properly considering how those terms would affect the Hindus. But to understand the matter aright it is necessary to know that this struggle is not a war in its literal sense and the grant of self-government to India, whether due to the growth of a new feeling of humanity in Britain, or due to pressure brought to bear upon the British Government by various modes of agitation including the recent Civil

Disobedience movement, could not but be in the nature of a gift to India by England. It is true that even to force England to give India self-government unity among the various communities would be a great help, but it could not be an essential condition.

3. *Communal constitution, a negation of democracy.*

It is acknowledged on all hands that democratic constitution must be free from the virus of communalism. It can be said with all certainty that no constitution which is based upon entirely different, and very often mutually opposed interests, could lead to the growth of a truly national government. The full force of this argument has been perceived by everyone who has had to study the communal problem in India. The authors of the Montague-Chelmsford report discussing this subject come to the following conclusion:—

"We conclude unhesitatingly that the history of self-government among the nations who developed it and spread it throughout the world is decisively against the admission by the State of any divided allegiance against the State's arranging its members in any way which encourages them to think of themselves primarily as citizens of any smaller unit than itself. The communal system stereotypes existing relations. We regard any system of communal electorates as a very serious hindrance to the development of the self-governing principle."

The Statutory Commission supported the above view thus:—

"Communal representation—the provision by law that a particular religious community shall be represented in a popular legislature solely by members of its own body with a guarantee as to how many communal seats there shall be—is an undoubted obstacle in the way of the growth of a common citizenship."

The Prime Minister again expressed the absurdity of communal electorates by saying that—

"The evil of communal electorates has assumed its most dangerous form and proportion in India, where different communities and minorities are out to claim that the legislature is to represent not regions, but religions, not areas or interests, but castes and creeds, by a strange elec-

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toral system based on the grouping of voters by religion in separate communal electorates."

And, moreover, in explaining this complicated question to the House of Commons, he said:—

"This is one of the problems which has to be faced because, if India is going to develop robust political life, there must be room for national political parties based upon conceptions of India's interests and not upon conceptions regarding the well-being that is smaller or less comprehensive than the whole of India."

Sir Austen Chamberlain, representing the British Government in the Minorities Committee of the League of Nations, said.—

"It was certainly not the intention of those who had devised the system of minorities' protection, to establish in the midst of a nation a community which would remain permanently estranged from national life. The object of the Minorities Treaties was to secure to the minorities that measure of protection and justice which would gradually prepare them to merge in the great national community to which they belonged."

#### 4. *The Duty of the Government.*

Under the circumstances and for the reasons mentioned above the only right course for the British Government was to chalk out a truly national constitution for India without paying any heed to the claims put forth by the communally-minded leaders of the various communities; or to follow the general principles laid down by the Minorities Committee of the League of Nations for the guidance of various Governments in communal matters.

Failing that, the next best course for the Government was to discover a uniform plan and to follow it strictly in the matter of distribution of communal rights. Scrupulous impartiality was the one thing to be expected from the Government in this case. Unfortunately what we find is that the proposed constitution emphasises and accentuates communalism above everything else and not only accedes to the communal demands, but gives every encouragement to communalism by putting a premium over it, as the proposals in the White Paper show.

#### 5. *The Statutory Commission's opinion on this subject authentic and unbiassed.*

The Statutory Commission was appointed by Parliament in 1927, in pursuance of Section 84A of the Government of India Act. The Commission carried on their task of investigation in India in co-operation with the Committees appointed from the Central and the Provincial Legislatures. Among other things the question of communal representation was enquired into. And naturally their unanimous view based on a thorough examination of the question on the spot should carry weight and authority. The first question before them was that of communal representation which they call most important and highly controversial. We know what view they had. But in spite of that they decided in favour of maintaining separate representation. And why so? They give their reason in the following words:—

"We are now faced, as the authors of the Montague-Chelmsford Report were faced, by the indisputable fact that the Mohammedan community as a whole is not prepared to give up communal representation and would regard its abolition, without the assent of that community, not only as the withdrawal of a security which it prizes but as a cancelling of assurances upon which it has relied."

Having a consciousness that the responsibility of retaining communal electorates lay on the Mohammedan community the Statutory Commission took a fair and unbiassed view of the subject. They did not try to discover any new rule for their guidance in the settlement of the Hindu-Moslem question. They took the Lucknow Pact and followed the lines of that agreement arrived at between the Hindu and Moslem leaders in 1916, when communal tension had not been replaced by goodwill.

Referring to the most disputed problem of the allocation of seats to different communities in Bengal and the Punjab, they say with great reason and truth:—

"But a claim has been put forward for a guarantee of Mohammedan representation which goes further than this . . . This claim goes to the length of seeking to preserve the full security of representation now provided for Moslems in these six provinces and at the same time to enlarge in Bengal and the Punjab the present proportion of seats secured to the community by

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[Continued]

separate electorates to figures proportionate to their ratio of population. This would give Mohammedans a fixed and unalterable majority of the general constituency seats in both provinces. We cannot go so far. The continuance of the present scale of weightage in the six provinces could not—in the absence of a new general agreement between the communities—equitably be combined with so great a departure from the existing allocation of seats in Bengal and the Punjab.”

The Communal Award disregards all this and goes to the length of giving more than a mere statutory majority to the Mohammedans in the Punjab.

6. *The contrast between the White Paper and the Statutory Commission as regards allocation of seats in the Central Assembly*

The Statutory Commission allotted seats to various communities in the pro-

posed Federal Assembly in the following proportion: fixing the total number of seats at 250, they assigned 150 seats to the Hindus (including the Depressed Classes), 75 to the Mohammedans and 25 to other communities. Thus the Hindus get 60 per cent. (15 per cent. less than their population ratio), and the Mohammedans get 30 per cent. of the total (5 per cent. more than their population ratio). The White Paper allocates 105 instead of 150 seats to Hindus (including the Depressed Classes) and 82 to Mohammedans. Thus it reduces the Hindu majority (75 per cent. of the whole population) to a minority by giving them a representation of 42 per cent.

The comparative allocation of seats as proposed in the Statutory Commission's Report, the Government of India Despatch and the White Paper is:—

	Hindus.	Moslems	Percentage of Hindu to Moslem seats.	Sikhs.	Europeans, Anglo-Ind. and Xtians.	Special Constituencies (Commerce, Labour, Women and Landholders).
			per cent.			
Statutory Commission	150	75	33.0	5	17	—
Govt. of India Despatch	136	75	36.7	5	20	—
White Paper	105	82	44.0	6	20	37*

\* These special seats have been taken out of the Hindu seats (General Constituency) reducing their percentage from 60 per cent., according to the Simon Commission, to 42 per cent. of the total by the White Paper.

7. *The Iniquities of the Communal Award.*

(a) The Communal Award is iniquitous because it gives a statutory majority to the majority community in the Punjab, to an extent which is beyond the expectations of even the Moslem leaders of the Province, thereby establishing a fixed and unalterable religious statutory majority which could not be reduced by any appeal to the electorate in the Province. Fixing the total number at 175, the White Paper gives 86 to Mohammedans, 43 to Hindus and 32 to Sikhs, i.e., 11 more than that of the Hindus and Sikhs combined. Adding 10 seats of Special Constituencies five more would go

to Mohammedans, thus making their total 91 and of all the rest 84. With such a strong statutory communal majority in the Punjab Council the Governor, even with his special powers, would not be in a position to protect the minorities, because in the face of opposition from this majority he would not be able to form an alternative government. Thus “freed from this contingency and sheltered by the citadel of religious orthodoxy the majority might easily become a veritable engine of oppression and misrule against which the combined opposition would be impotent.”

(b) In other provinces special weightage is given to Moslem minorities. In the

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United Provinces, for instance, the Moslems forming 14 per cent. of the population are given as many as half of the number of Hindu seats in the Upper Chamber. On the other hand the Hindus in the Punjab, a minority community in the province, instead of being given any weightage get less than even their population ratio.

(c) The Punjab being the main recruiting ground and a source of supply of 62 per cent. recruits to the army of defence, the Moslem Government of the Punjab would exercise an entire control over this source.

(d) The creation of a separate deficit province of Sind, with a population of less than four millions and the introduction of full-fledged reforms in the North-West Frontier Province, with a population of 2½ millions, each necessitating a subvention of nearly a crore of rupees at the cost of the poor people of India, cannot surely be called measures of protection for the minorities. On the other hand the Corbett scheme of creating a

new province consisting of the Ambala Division of the Punjab, together with some districts of the U.P., which could have served as a solution for the most difficult problem of the Punjab and which is keenly desired by the people of the Ambala Division, was altogether ignored.

(e) Such enormous communal concessions have created anomalies like the following.—

The backward population of the North-West Frontier Province maintaining their administration at a heavy cost to the Central Revenue are given five seats, i.e., less than half a million people of that Province return one member to the Federal Assembly. While an advanced province like Bengal, with a population of over 50 million, is given 37 seats only, which works out at one member to one and a half million people. This is three times the number of persons represented by one member of the Federal Assembly in the case of the North-West Frontier Province.

#### MEMORANDUM 71 HANDED IN BY RAI SAHEB MEHERCHAND KHANNA.

##### *Supplementary Statement on the North-West Frontier Province.*

The N.W.F.P. was a part of the Punjab till 1901 when Lord Curzon decided to separate it on the ground "that the conduct of the external relations with the Tribes on the Frontier should be more directly than hitherto under the control and supervision of the Government of India." This Scheme was opposed by the then Lt-Governor of Punjab, Sir Macworth Young on the ground that the five Districts proposed to separate were indistinguishable from the unsettled trans-border area culminating in the Durand Line which separates British India from the neighbouring Kingdom of Afghanistan. This trans-border tract still remains a sort of no man's land. It is nominally under British control, but this control has only been loosely exercised and the tract remains, as it was in 1900, not only a disturbed area, but inhabited by the congeries of marauders, buccaneers, and refugees from the neighbouring and surrounding independent states. It is a source of constant anxiety to the settled districts and through them to the rest of India, because this region is waterless, comprising as it does of rocky mountains and hills variegated by narrow

valleys where scant vegetation grows with difficulty and the crops raised are insufficient for human sustenance. The whole of this area is inhabited by about 3,000,000 tribesmen and may be roughly classed as falling under a few distinct well-known tribes such as Wazirs, Mahsuds, Bannuchi, Affridis, Shinwaris, Mohmands and others. These tribesmen are more or less a nomadic people making war upon their neighbours and amongst themselves and making frequent incursions into the settled area, the nearest of which is Peshawar, an armed, fortified city with a population of about 100,000 souls. In spite of the continuous watch and ward kept by the Military, frequent raids are made into the British territory by this warlike tribe of Pathans who form the bulk of the population.

These tribes have manufactured their own fire-arms in their small factories in which they have succeeded in producing rifles closely imitating the British rifles which they often steal and which have to be specially guarded against the tribal marauders.

The non-Moslem population in the five settled districts which is known as the N.W.F.P. is about 8 per cent. the Moslem number 92 per cent. being about

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22,27,000. The area of the five settled districts is 13,419 square miles and the total population about 24,25,000 and as such is about one-quarter of that of Assam, the smallest Province in India, both in point of population and area.

The five settled districts which since 1901 were governed by a Chief Commissioner are now, since 1932, by the Governor and a Council (with one Executive Councillor and a Minister to assist him)

The Simon Commission with the members of the Central Committee, visited this area in 1928, they went all over the settled and unsettled districts, saw several of the Tribal agencies, examined witnesses and in their report said "we have come to the conclusion that responsibility for the administration of the North-West Frontier Province cannot be separated from responsibility for the peace of and control over the tribal area. Only thus can the security of the North-West Frontier be effectively maintained."

"In making this recommendation we are endorsing the view of the North-West Frontier Enquiry Committee which was set up in April, 1922, under the Chairmanship of Sir (then Mr) Denys Bray to report whether such separation was advisable, and if not, what was the best constitutional development to be recommended for the province. (Vol. II, page 101). Later they say "all frontier experts, from frontier officer to Lieutenant-Governor and Viceroy, have been unanimous that the frontier tracts and frontier districts form one organic whole which can only be properly managed if both parts are in the hands of one centralising and controlling authority on the frontier itself." The Bray Committee assembles in a striking footnote at the bottom of page 8 of its Report, excerpts from the opinions of various authorities on this point. These include not only expressions of opinion from such distinguished administrators as Sir Alfred Lyall ("It is an established principle from Peshawar to Karachi that the frontier can only be managed properly if both sides of it are in the hands of the same British authority") and Sir John Maffey ("I do not think there is anybody who has any real experience, official or non-official, who would think it feasible to separate these two component elements"), but also the views of frontier notables, such as Nawab Sir Abdül Qayyum ("Separation is neither advisable nor practicable") and Wazirzada Mohammed Akram Khan "Our interests are so common that we

can never be separated"). They reaffirmed the view held by local officers and the Chief Commissioner who combined in his person the dual responsibilities of administering the five districts and acting as Agent to the Governor-General, that the dealings with the Tribal area should not be disturbed but, nevertheless, acting under the pressure of local agitation and the Red Shirt movement the British Government had to introduce Provincial Autonomy for the five districts, granting to them a subvention of one Crore of Rupees from the Central revenue.

The introduction of Reforms of the N.W.F.P. was made in pursuance of the Round Table Conference, Sub-Committee No. 5, the proceedings of which are printed in Vol. 5, pages 90-92. The new Council came into being on April 18th, 1932, Mr. Gidney and then Mr. George Cunningham was appointed executive Councillor, and Sir Abdül Qayaum Khan first Minister. The Council consists of 40 members out of which 28 are elected—of these 22 are Moslems, five Hindus, and one Sikh. Out of the remaining nominated 12, five are English, six Moslems and one Sikh. During a short regime of one year the Council government of the five districts has established its policy of gradually squeezing out the Hindus from all Public Services, appointing less qualified Moslems rather than well qualified Hindus in posts since created, and meting out differential treatment in the matter of educational grants, etc. The following are a few instances, illustrative but not exhaustive, of this communal preference shown by the Moslem Government of the N.W.F.P.

1. A few months ago five new posts for probationary sub-divisional officers were created in the Public Works Department, for which highly qualified Hindus holding British Degrees applied, but none of them were accepted. Moslems holding even inferior degrees were taken. (N.W.F.P. Legislative Council Debates, March, 1933.)

2. The Selection Board has not made a single Hindu appointment to the post of Deputy-Superintendents of Police, though many qualified Hindus had applied and, in spite of the fact that there is not a single Hindu in the whole of the Cadre (N.W.F.P. Legislative Council Debates, March, 1933).

3. In the re-trenchment effected in the Forest Department, notices were served on 14 clerks (12 Hindus and 2 Moslems),

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but later on the notices on the 2 Moslems were withdrawn and the 12 Hindus were retrenched (N.W.F.P. Legislative Council Debates, March, 1933).

4. The Islamia Moslem College, Peshawar, is receiving a grant to the extent of rupees 103,000 per annum as against the Vedic Bharatri (Hindu) College Dera Ismail Khan, which receives only a grant of rupees 10,000 per annum. In the case of the Islamia College, the grant comes to more than 300 rupees per student per annum, while in the case of the Vedic Bharatri College, Dera Ismail Khan, the grant comes to less than rupees 140 per student per annum. Vedic Bharatri College put in a request for the increase of the grant to the extent of rupees 5,000 per annum, as their expenses had increased, and with a view to meet them they had to make a cut of 10 per cent. in the salaries of their staff and were further compelled to increase the tuition fees of the students by 33 per cent. These steps were not taken by any other College in the province, the natural result being that the staff in the Vedic Bharatri College was becoming discontented, while the number of the students began falling steadily, because, as stated above, they had to pay extra fees. At the same time the Islamia College had put in a request for the increase of the grant-in-aid by an extra 20,000 rupees. The Honourable the Minister (Sir Abdul Qaiyum), who is in charge of the Educational Department, could not see his way to recommend the grant of rupees 5,000 for the Hindu College, but found it advisable to sanction rupees 20,000 for the Islamia College, of which he is the Founder and the Honorary Secretary (N.W.F.P. Legislative Council Debates, March, 1933).

5. It should be understood that Sanskrit, the National language of the Hindus, is a part of the University curriculum, just as Persian and Arabic, are for the Moslems. So far all possible facilities have been given to the Hindu students reading in the Government High Schools to have recourse to Sanskrit. In the Government High School, Peshawar, a few months ago the Honourable the Minister considered it advisable to abolish the said post, the natural consequence being that the Hindu students who had taken up Sanskrit as one of the languages, had either to leave the school or give up the study of their National language. It will thus be seen that deliberate attempts are being made to Momammadanise the Government schools which, to all intents and purposes, should be open to all classes and

creeds. The post of the teacher only involves an expenditure of about rupees 40 per mensem and would be more or less a drop in the ocean when it is seen that the annual expenses of the school run to more than rupees 25,000. For the Moslem students there is arrangement, and very adequate arrangement, for imparting Persian Arabic and religious instruction.

In addition to that it was even considered desirable to sanction a new grant for the Moslem Orphanage School at Nowshera. It will thus be seen that funds can be found, if required, for the Mohammadan institutions, but in the case of the Hindu students, they are even denied the privilege of having recourse to Sanskrit, their national language (N.W.F.P. Legislative Council Debates, March, 1933).

6 *District Board Scholarships*—Since the last 10 years five scholarships to the extent of Rupees 250 per annum have been granted every year. One of these scholarships has always been awarded to a Hindu, but this year, all the five scholarships went to the Moslems. (N.W.F.P. Legislative Council Debates, March, 1933.)

7. Discriminatory fees in the Government High Schools are hitting the Hindus and Sikh Students very hard and are one of the reasons why these schools are not very popular with them. There are two grades of fees—one for the Agriculturalists and the other for the non-agriculturalists. While a Moslem student has to pay at the rate of one Rupee per mensem, 1/4 P.M., 1/8 P.M., 1/12/- P.M., 2/4/- P.M. and 2/8/- P.M. in the fifth, sixth, seventh, eighth, ninth and tenth classes respectively; a Hindu student has to pay at the rate of Rupees 1/8/- P.M., 2/-/- P.M. and 2/8/- P.M. and 3/-/- P.M., 3/8/- P.M. and 4/-/- P.M. respectively in the above mentioned classes.

8. Every year five students are nominated from the Frontier province for admission into the Engineering School, Rasul. Each candidate costs the Government about Rupees 1,200 per annum. This year no Hindu was taken. (N.W.F.P. Legislative Council Debates, March, 1933).

9. The N.W.F.P. Government pays the Punjab Government annually a certain share for the maintenance of the King Edward Medical College, Lahore. In the year 1931-2 the Frontier Government paid Rupees 22,392. Five students were nominated from this province but



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[Continued.]

no Hindu was selected. (N.W.F.P. Legislative Council Debates, October, 1932).

10. *Central State Scholarship for Study Abroad*.—This Scholarship is tenable for a period of three years and the candidate in question is paid at the rate of £360 per annum. So far three candidates have been selected from this province and all belong to the Majority Community, that is Moslems. (N.W.F.P. Legislative Council Debates, May, 1932).

11. At the time when the Cut motions were moved in May, 1932 Session of the Frontier Legislative Council during the course of the General Discussion on the Budget, it was pointed out by the Leader of the Opposition Party (Mahk Khuda Bux), that the standard of services, more particularly in the Law and Justice Department, was very low. One of the members of the Minority Community suggested that with a view to improve the standard, the only course open to them was that in future all the appointments in the said Department should be made on the basis of merit and efficiency and not by communal representations. No sooner than this point was mooted out the Leader of the Independent Party withdrew his cut motion on, the plea that communal tinge had been infused into the debate. (N.W.F.P. Legislative Council Debates, May, 1932).

12. A resolution was moved by one of the members belonging to the Minority Community to the effect that 50 per cent. of the posts in the Judicial line from amongst the Members of the Bar be filled by open competition and remaining 50 per cent. in the following ratio Moslems 36 per cent., Hindus and Sikhs 14 per cent. This proportion was suggested and based on the representation given to the Minority in the Legislative Council under the White Paper. The Resolution in question was hotly opposed by the members of the Majority Com-

munity and an amendment was moved by the Leader of the Opposition that all appointments should be made by *nomination*, and not by open competition. The amendment was carried. (N.W.F.P. Legislative Council Debates, October, 1932).

13 *Kohat Loan*.—After the unfortunate riots that took place in Kohat in the year 1924, where it is alleged that the Hindus and Sikhs suffered losses to the extent of crores of rupees, a loan amounting to ten lakhs of rupees was advanced by the Government of India with a view to set up the people in their business and to build their houses.

As the Hindus and Sikhs had suffered greater losses, naturally the major portion of the loan was advanced to them. The world-wide economic depression hit everybody and more so the Kohat sufferers. The loan which had to be repaid within 10 years by annual instalments could not be repaid, hence the Government of India extended its term to 20 years. Still the people could not or were not in a position to repay. On the request of the Kohat sufferers, a resolution was moved in the N.W.F.P. Legislative Council in the March, 1933, session that a recommendation be made to the Government of India for the entire remission of the loan. This resolution was hotly opposed by a majority of the Moslem members of the Council and was thus defeated. At the same time they moved a resolution for the remission to the extent of 50 per cent. of land revenue and water rates. This remission amounted to more than 20 lakhs of rupees, or in other words, about 30 per cent. of the Provincial revenues, and was carried.

14. The following comparative statement is indicative of the share of the Minorities in the Public Services in the N.W.F.P.

		<i>Hindus and Sikhs.</i>
(a) Hon'ble the Minister ... ..	Moslem	nil.
(b) The President of the Legislative Council .. ..	Moslem	nil.
(c) The Deputy President of the Legislative Council ... ..	Moslem	nil.
(d) The Secretary of the Legislative Council ... ..	Moslem	nil.
(e) The Assistant Secretary of the Legislative Council ... ..	Moslem	nil.
(f) The Secretary, Legislative Dept. (Legal Remembrancer) ... ..	Moslem	nil.
(g) The Additional Judicial Commissioner ... ..	Moslem	nil.
(The Judicial Commissioner is an Englishman belonging to the Indian Civil Service).		
(h) The Additional District and Sessions Judge ... ..	Moslem	nil.
(The District and Sessions Judge is an Englishman who belongs to the I.C.S.)		
(i) Provincial Civil Service ... ..	Moslems	5



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						Moslems.	Hindus and Sikhs.
(j) Police—							
Deputy Superintendents	...	...	...	...	...	15	nil.
Inspectors	32	...	...	...	...	24	8
Sub-Inspectors	173	...	...	...	...	131	42
Asst. Sub-Inspectors	117	...	...	...	...	106	11
Head Constables	553	...	...	...	...	459	82
Constables	5,082	...	...	...	...	4,541	540
(k) Educational Department—							
Indian Educational Service	3	...	...	...	...	1	nil
(Two Englishmen).							
Provincial Educational Service	9	...	...	...	...	9	nil.
District Inspectors of schools	5	...	...	...	...	5	nil.
Personal Asst. to the Director Public Instruction	1	...	...	...	...	1	nil.
				No.		Moslems.	Hindus and Sikhs.
Registrar Educational Department	...	...	...	1		1	nil.
Vice-Principal Training College	...	...	...	1		1	nil.
Subordinate Educational Service	...	...	...	11		8	3
Head Masters of Government High Schools	...	...	...	11		8	3
Teachers in District Board Schools	...	...	...	491		473	21
Clerks in the Education Department	...	...	...	46		41	5
Admission to Training College, Peshawar within last ten years, Senior Vernacular class	...	...	...	976		885	91
Admissions to Junior Vernacular class during the last ten years	...	...	...	692		634	58
12. Revenue Department—							
Tehsildars Selection grade	...	...	...	2		2	nil.
„ first grade	...	...	...	4		4	nil.
„ second grade	...	...	...	5		5	nil.
„ third grade	...	...	...	7		6	1
„ fourth grade	...	...	...	6		5	1
Naib Tehsildars Selection grade	...	...	...	8		7	1
„ „ first grade	...	...	...	5		3	2
„ „ second grade	...	...	...	12		9	3
„ „ third grade	...	...	...	19		16	3
13. Agriculture Department—							
Agriculture Officer	...	...	...	1		1	nil.
Extra Assistant Director of Agriculture	...	...	...	2		2	nil.
Assistants in the Agriculture Dept.	...	...	...	12		10	2
Clerks in the Agriculture Department	...	...	...	6		6	nil.
14. Veterinary Department—							
Superintendent	...	...	...	1		1	nil.
Deputy Superintendent	...	...	...	1		1	nil.
Assistant Surgeons	...	...	...	5		5	nil.
Assistants	...	...	...	26		23	3
Inspectors	...	...	...	2		2	nil.
Clerks	...	...	...	5		5	nil.
15. Co-operative Credit Societies—							
Inspectors	...	...	...	16		16	nil.
Sub Inspectors	...	...	...	21		21	nil.
Clerks	...	...	...	12		12	nil.
16. Agriculture Officer's Office—							
Head Clerks	...	...	...	1		1	nil.
17. Office of Asst. Registrar—							
Head Clerk	...	...	...	1		1	nil.
18. Office of Superintendent Veterinary—							
Head Clerk	...	...	...	1		1	nil.

31<sup>st</sup> Julii, 1933.]

[Continued.]

The N.W.F.P. has been rightly described as the gateway to India. For 3,000 years it has been the gateway of trans-border immigrants into India. The Aryan population entered through the two great historical passes known as the Khyber and the Bolan passes. They still remain the vulnerable passes for the truculent trans-border tribes to enter the fertile valleys of the Punjab.

The political problem concerned with the N.W.F.P. has, however, in recent years undergone a striking change. The Hindus have for several thousand years settled down in India, to which country they are confined; there are no Hindus outside India excepting small bands of settlers and traders who do not count. The Moslems, on the other hand, extend from the N.W.F.P. to Constantinople in the West, Turkistan on the North and Arabia in the South. The centre of this great Moslem power though divided by political and geographical boundaries, is held together by a single religious cement and the extension of their regime to India during the Mogul period is a fact of history. The Hindus are only anxious to keep what they have got and possess no desire for territorial conquest. Their religion counsels peace and tolerance of all classes and all creeds. From time to time the Moslem fanatics have openly challenged the supremacy of other religions and the one word "Jihad" is an unflinching war cry which brings all the brotherhood together regardless of all other ties or affinities. In the late Afghan War of 1919, when the Indian revenue suffered a loss of 9 crores of rupees in repelling the Afghan invasion, a Moslem regiment, "Khyber Rifles," enlisted and maintained by British India for the protection of the frontier, boldly deserted their ranks and went over to the side of the enemy with all their arms because, forsooth, Afghanistan had declared a Holy War against India. This is described in an official publication as follows: from the Report of the N.W.F.P. Subjects Committee, 1931, pages 89 and 90; para. 23, sub-heads 2 to 7).

(2) What occurred when Afghanistan declared War in 1919 is thus briefly described in an official publication:—

"The Afridis of Khyber Rifles had wavered from the start and the corps was disbanded to forestall a mutiny. In Waziristan

when the withdrawal took place mutinies occurred both at Miran-shah and Wana. Wana and the posts of the Gumal Route were evacuated in face of opposition both from the mutineers and tribesmen and the loyal portion of the Wana garrison, retiring on Zhob, was severely handled and had practically all its British Officers killed and wounded. Darweshkhel Wazirs and Mahsuds finding the omens of victorious Ghazi too clear to be ignored were ready to rise *en masse*, had any Afghan backing been forthcoming. As it was the country was flooded with deserters with the rifles and ammunition they had taken with them, and raiding and attacks on pickets started on an intensive scale in the Derajat and Peshawar, where the state of the Afridis was much the same as that of the Wazirs." The small town of Gumal, at the mouth of the pass, was looted and burnt; the Police had to evacuate it and people fled. The tribes in the year 1919-20, according to the Border Report, committed 611 raids with 293 British subjects killed, 392 wounded, 461 kidnapped and property worth Rs.21,30,209 carried away.

(3) What was the *Hijrat* movement due to? The Khilafatists had preached that British India was *Dar-ul-Harb*, ruled by the infidels. Tens of thousands of Pathans sold their all—lands, houses, cattle, etc.—and migrated to Afghanistan, *Dar-ul-Salam*, the land of the faithful.

(4) And the terrible Kohat tragedy what was the cause? In a small pamphlet published by an orthodox Hindu, a passage was declared as derogatory to Mecca, the sacred city of Islam in Arabia. The Hindu quarters of the town were given up to flames and the whole Hindu population was forced to fly through fear for the sake of their lives. The Muslim ruffian element in the town was joined by the villagers and by people beyond the border, and as the whole police and constabulary were of the same community the civil authorities were helpless.

(5) The open insurrection in Mansehra Tahsil (Hazara district) was created... by... the preaching of

31<sup>o</sup> *Julii*, 1933.]

[Continued.]

*Jihad* or religious war by a Mullah. Let me quote the same authority:—

“Unfortunately an agitation based on religion was bound to affect the peculiar temperament of the Frontier Muhammadan in ways not strictly religious. In Hazara the unrest spread to the trans-border tribes, necessitating military operations to restore order. Throughout the province and especially Bannu this agitation engendered a spirit of lawlessness and defiance of authority.”

(6) The same spirit of lawlessness and defiance of authority manifested itself among the Pathans in the city of Peshawar on two occasions, first at the time of Afghan War “of 1919 and later when His Royal Highness the Prince of Wales was there at Peshawar.” Sir John Maffey, the Chief Commissioner in his evidence, said:—

“Peshawar city may easily become very ugly under small provocation owing to its peculiar composition and situation. In the year 1919 they had to place a cordon of troops round the City. They made a great many arrests.”

(7) A Hindu bookseller at Lahore published a pamphlet which was regarded as casting a slur on the life of the great Prophet. The man was murdered in his shop and the assassin was canonised. Propaganda was carried beyond the border and 500 Hindu and Sikh families, who had for generations lived as *Hamsayas* (dependents), were expelled from their hearths and homes. It was through the intervention of the authorities that they were allowed to return after months of exile.

What happened in the N.W.F. Province in the year 1930 at the time of the red-shirt movement will need volumes for even a brief statement. Suffice it to say that the entire Province was ablaze from one end to the other. The military had to be requisitioned and posted in the various storm centres, such as Peshawar, Charsada, Bannu, etc., to maintain Law and Order. Firing had to be resorted to a number of times. In the open rebellion Captain Ashcroft, with his eight Sepoys, was killed in the Bannu district, and the same fate befell

Mr. Murphy, a member of the Indian Police in the Mardan Tehsil.

On account of the agitation that had been launched in the tribal territory and in view of the sympathy that the tribesmen had for their co-religionists in the settled areas, that is the Moslems, they came as near as the city railway station of Peshawar. Had it not been for the prompt action on the part of the military and the frontier authorities, it is difficult to say what would have been the state of affairs in the Frontier. The reason why the Hindus of the N.W.F.P. require special measures of safeguards in the future Constitution are briefly stated as follows:—

(a) Their educational and Economic status in the Province is out of all proportion of their population, as previously stated. They are 34 per cent. educated (male population), as against 3 per cent. (male population) of the Moslems in the Province. They contribute about 84 per cent. of the taxes.

(b) Their Political conscience is quite distinct from their religious conscience, while the Pathans of this Province subordinate all considerations to the consideration of religion as is evidenced by their fanatical outbursts and their record of crime—the highest in the whole of India. The Hindus have never in their long History permitted similar outrages on the Moslem population, as their religion teaches them tolerance and peace and has made the Hindu Community characteristically unwarlike as contrasted with the Pathans. These facts cannot be denied and the following authorities quoted are sufficient to refute any denial if made.

#### *Prevalence of Violent Crime.*

Regarding the violent crime, it may be pointed out that the Frontier Province is very criminal. In fact there is no other Province in India which could come in any way near to it. The figures of murder, raids, kidnapping, attempts at murder, culpable homicide and criminal trespass, etc., are simply appalling. The following statistics of murders and raids taken from the Frontier Enquiry Committee Report (presided

31<sup>o</sup> July, 1933.]

[Continued

over by Sir Denys Bray) speak for themselves:—

Year.		Number of Murders.	Raids.
1914	..	316	365
1915	.	394	345
1916	.	416	292
1917	...	400	223
1918	.	353	189
1919	..	474	611
1920	..	644	391

In 1922, Peshawar, the capital of the N.W.F.P. was alone responsible for 305 murders, 147 attempts at murder and culpable homicide, 48 kidnappings, 37 unnatural offences, 97 dacoities and robberies and 661 criminal trespasses resulting in death or other serious offences.

Referring to the report of the Frontier Regulations Enquiry Committee (1931), it would be found that in the year 1929, the Frontier Province was responsible for 490 murders, 84 dacoities, 115 rioting and robbery, 94 cattle thefts and 2,565 reported serious offences.

A reference to the Report (1930) submitted by the Committee presided over by the Honourable Mr Justice Suleman will not be lacking in interest:—"The population both of Peshawar district and city is addicted to crimes of violence to a remarkable extent. The comparison with the statistics available for other parts of India is not without interest. In the Punjab, which shares with Burma the distinction of being the most criminal of the Governor's Provinces of India and has a population of some 21 millions, there were 667 murders in the year 1928, while in the Peshawar district, which has a population of one million, there were 307 murders. In the Punjab, the most criminal district is Lahore, in which in 1928 there were 56 murders, that is one-fifth of the number of murders in the same period in the Peshawar district. The population of Lahore district is numerically about equal to the population of Peshawar district."

"Another reference of equal interest could be made to the N.W.F.P. Police Enquiry Committee presided over by Sir David Petrie.—'It appears that serious offences have steadily increased from 709 in 1902 to 2,045 in 1929 and the tendency is still onwards. The official statistics for 1930 show that 292 murders were committed in the Peshawar district alone, an increase of some 40 over the statistics of 1929, the number of raids and dacoities is more than

double that of the previous year, while the number of burglaries has also largely increased.'"

If one were to compare the cases of murders per ten thousand population in the N.W.F. Province with that of the Punjab, it will be seen that whereas the frontier can claim to have 2.02 murders per ten thousand of the population, the Punjab figures will only show .29. This fact is equally apparent in the case of dacoities. The figures are .35 for the frontier Province as against .042 for the Punjab. A reference has already been made above that the criminals can find a safe asylum in the trans-border territory. This fact is apparent from the report of the Frontier Regulations Enquiry Committee (1931) which shows that there were as many as 414 outlaws in the tribal territory for the offences that they had committed in the British territory. These figures relate to the year of 1929.

In view of the foregoing statement it is not difficult to suggest the measures which the Hindus consider suitable for their special requirements. These measures must not be taken to follow any principle of reciprocity since the case of the N.W.F.P. is exceptional and must therefore be subject to exceptional treatment. The Hindus demand that in recognition of their educational and economic importance they should be given a seat in the local Cabinet and in order to counteract the display of religious fanaticism which permeates the Frontier and to introduce an element of greater efficiency and stability in the conduct of business, a certain percentage of posts in the higher administrative and subordinate ranks be reserved for them. In making this claim the Hindus base it upon their political and educational advancement and their substantial contributions to the coffers of the State no less than for the insuring of peace on the Frontier and its more efficient administration commensurate with the advance of progress and the Democratic principle upon which such advance is made and justified.

8682. Dr. Moonje, is it to you that we should address our questions in the main? Have you made arrangements amongst yourselves?—The questions may be asked of me and whenever I find that any one does not refer to the particular points with which I am to deal, I shall refer it to the other witnesses for the replies.

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*Chairman.*] I shall reserve my own questions until I discover what my colleagues propose to ask you.

*Earl Peel.*

8683. I only want to ask two questions of detail. I think we are dealing with the statement of the Hindu Mahasabha on the Constitutional question—is that not so?—Yes.

8684. In paragraph 27 (c) of Memorandum No. 57—I am dealing with the statement of the Hindu Mahasabha on the Constitutional problem—you say that: “An impartial arbitration be appointed to investigate into the obligations incurred under the authority of the Secretary of State for India which India is called upon to discharge”. What exactly do you mean by that investigation, and what is it actually to investigate?—The financial obligations which India has to discharge on account of which a period of transition is considered necessary. Those obligations have to be investigated as to how far India is legitimately obliged to pay those financial obligations, so that we shall be in the position to know the period of transition.

8685. Do you mean that you want an investigation into the question of whether the existing financial liabilities of India have been properly imposed?—Yes, that is one of the points.

8686. Do you want, then, to take each debt as and when raised and ask whether it was properly raised and how the money was spent?—I have particularly in mind at present the capitation charges with which India is charged—that is the charges that have to be paid by India for the training of British troops and British material in England for the defence of India. That is one of the points I have got in mind. Another point I have got in mind is the charges that India has to pay for the so many expeditions that have to be made, for instance, conquering Burma and such other things.

8687. But that question of capitation charges is being investigated now, is it not, by a Committee?—Yes; when it was written it was included in the general question.

8688. You do not wish to question, therefore, that any of the loans incurred by India have been properly raised and incurred, do you?—That is also a point which may be investigated.

8689. What do you mean by “properly raised”, then?—I have not used that

expression here; I have used the expression “an impartial arbitration be appointed to investigate into the obligations.”

8690. But do you suggest then, that it may be, as a result of an investigation of that kind that certain Indian liabilities should not be taken over by the new Federal Government? Is that the object of your Inquiry?—After the investigation is made, we shall be in the position to know which are the charges which India is legitimately obliged to pay, and which are the charges which, perhaps, India need not be obliged to pay.

8691. On the ground that they have not been spent in the interests of India, or what is your view?—Yes, in the interests of India.

8692. There is only one other question I want to ask on that; I do not want to ask any questions, of course, about the communal award. On page 28 you talk about a complete scheme of Indianisation of the Indian Army in 30 years?—Yes.

8693. And then you say: “Thus no higher authority could be quoted”?—Yes.

8694. Do you intend to suggest then that you have high Military authority for the Indianisation of the Army in 30 years?—Yes. I regard my Commander-in-Chief in India as the highest Military authority that I can quote in support of my contention. My point is that Lord Rawlinson, who is the Commander-in-Chief, recommended to the then Governor-General of India, Lord Reading, that the Indianisation could take place in 30 years. That is my highest authority in India.

*Marquess of Reading.*

8695. Would you mind asking, what does he mean by Lord Rawlinson's Report? I have a special reason for wanting to know. What do you mean by Lord Rawlinson's Report?—A Committee that was appointed by Lord Rawlinson.

8696. Do you mean the Military Requirements Committee of 1921?—Yes, that is the name if I remember it right now. In the Report of that Committee a scheme for Indianisation of the Army in 30 years has been recommended.

*Earl Peel.*

8697. You are quoting a Military authority, but is it not a fact that Lord

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Rawlinson never recommended Indianisation in 30 years? All that happened was: he was ordered to produce a scheme which would Indianise the Army in 30 years, and that was the best scheme he could decide upon for carrying into effect that particular instruction?—I am not concerned so much as to what he ultimately recommended, and what he did not recommend. I am concerned with this one particular idea, that Lord Rawlinson, the Commander-in-Chief, thought it feasible that the Indian Army could be Indianised, according to his scheme, in 30 years.

8698. Was not this a fact. He did not express any opinion as to whether it was feasible, or not—all he did was to carry out certain instructions which he had received, and produced the best scheme he could for Indianisation on the assumption that it was to be carried out in 30 years?—If my information be right, for which I have no authority at the present moment, I think that the Government of India thought that scheme a feasible scheme.

8699. How can you assert that high authority for limiting the period to 30 years? I am not quite sure what your authority is for making that statement. Is it an unpublished Report?—As I have said, my authority is the Report of the Committee appointed by Lord Rawlinson.

Sir Austen Chamberlain.] My Lord Chairman, this is rather an embarrassing situation. The Witness, apparently, happens to have been in a position where, as a Member of a Confidential Committee, he had access to a confidential Report. Can we allow references to that confidential and unpublished Report to appear in the evidence taken by this Committee?

Chairman.] I hope that Lord Peel will examine the Witness, apart from that point.

Earl Peel.

8700. I particularly wanted to call attention to this paragraph, because it seemed to me not to be based upon any public document. That is the reason I called attention to it.—I may mention one fact, that in the Defence Committee of the Round Table Conference reference was made to two Reports.

Mr. Cocks.

8701. I would like to ask one or two questions of Pandit Nanak Chand. In the first place, in sub-paragraph (b) of paragraph iv of your first Memorandum, you speak about the joint electorates in the Punjab. I merely want to ask you this. Would not that proposal be opposed to the Communal Award?—(Pandit Nanak Chand.) It certainly modifies the Communal Award, to a certain extent.

8702. In paragraph vi of the same Memorandum you speak about the re-arrangement of the boundaries of the Punjab. Would you mind explaining a little what you suggest there?—The Simon Commission Report, second volume, pages 24 to 26, proposes the appointment of an impartial Commission to go into the boundaries of the different Provinces. Their main argument is that the arrangement of the Provinces is unsatisfactory. Most of them have been brought into existence for administrative purposes. There is no unity or natural affinity on which these Provinces are based. I submit, with regard to the Punjab, that the Punjab is a Province where there is no natural affinity between the three areas, namely, the Western, Eastern and the Central Punjab. I understand that it is almost settled that Sind is to be separated on religious and linguistic grounds. Claiming my right, on the same ground, I wish that the Punjab should be re-arranged into three Provinces, namely, the Western, to go with the North-West Frontier Province, and the Eastern, some of the district, to the United Provinces Province, and the Centre to be formed into a Province by itself. My meaning would be quite clear, if you were to look at this map of the Punjab given in the Nehru Report, it clearly shows how there is a marked distinction between the various parts of the Punjab. May I hand in this map? (*The same is handed in.*)

8703. Would you agree with the statement that there is very little support for this proposal, whatever may be said on theoretical grounds, there is very little practical support for it?—There is great support for it. Only recently, in the Eastern Punjab, there was a big Conference held where the people desired that the Eastern Punjab should be separated. In the two Round Table Conferences there was agitation on the part of the Sikhs and the Hindus with regard to the desired re-arrangement of the boundaries of the Punjab, and I do not think it

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stands to justice or fair play that the predominantly Hindu districts, which differ in language and religion, should be subject to a majority community living in the Western Punjab, having different manners, customs and religions, and divided in various matters.

8704. Have you read all the evidence which has been given before this Committee, because, if so, have you read an answer given by the Secretary of State to me, on that very point, in which he said the difficulty about this question of the Punjab was that there was no support for it?—I beg very respectfully to differ from the opinion given by the Secretary of State. I have read that portion of his statement, and I think if an investigation is made on this point, you will find that I am supported in this matter.

8705. The only other question I want to ask is this. In your second Memorandum, under the paragraph called "Educational Interests," you speak of the Urdu, Punjabi and Hindi vernaculars. What exactly is your suggestion?—My position is this, that in the Punjab (again, this is a point connected with the first which you have just been asking me) the Sikhs have their script, what is called Gurmukhi or Punjabi, and their language is also Punjabi. The Eastern Punjab has got Hindi as its script, and the language is also different from the West. We find that in all these three areas, Urdu is the medium of instruction, mainly, and it is also the official language. My point is this, that in the Punjab all these three vernaculars should be recognised as holding the same position as Urdu. This is the case in the United Provinces and recently in Bihar, where the Muhammadans have been given the right of having Urdu as the official language in their schools, and in other administrative Departments. I see absolutely no reason why Gurmukhi and Hindi should not receive similar treatment. On the other hand, we find in the various District Boards in the Punjab Goomki schools have been closed, because grants would not be made to them. There has been a fierce struggle going on in the Punjab Legislative Council, and outside the Legislative Council, for the recognition of these three vernacular languages. Recently there was a trial of strength in the University. In that discussion I, also, took part. My only submission is that the Hindu and the Sikh minorities should be treated in exactly

the same manner, with regard to the language and script, as the Muhammadan minorities are treated in the United Provinces and other parts.

Major Attlee.

8706 Dr. Moonje, I have only one question to ask. In the event of the proposals in the White Paper being adopted, do you think that your community would be prepared to work those reforms? Of course, Sir The politics of the Mahasabha to which I belong is the policy of responsible co-operation. We are prepared to work whatever constitution may be given to us. If the Constitution is satisfactory we shall work it with pleasure. If the Constitution is not satisfactory we shall work it with an idea to get it amended as early as possible.

Sir N. N. Sircar.

8707. I desire to put some questions with the idea of getting the facts relating to the Poona Pact. I want whoever chooses to answer the question. I do not want the witnesses to go into any dispute between the Hindus and the Moslems as regards representation in the Council. I put certain dates to the Secretary of State, and I will just repeat them to you. The Communal Decision is dated the 17th August, 1932. Mr. Gandhi's letter to the Prime Minister is dated the 18th August, 1932, in which he says, among other things. "This fact will cease if British Government revise their decision and withdraw their scheme of Communal electorates for the Depressed Classes, whose representatives shall be elected by general electorate under common Franchise." Then there was a reply from the Prime Minister dated 8th September, 1932, in which the Prime Minister pointed out that his scheme was not intended to separate the depressed classes from the other Hindus, and so on. Now I come to the next date. I would like to ask you something about it. On the 15th September, you remember Pandit Mohan Malaviya issued a notice in the newspaper inviting some friends. His exact words were: "To a few friends to hold a meeting for the consideration." Will you kindly tell the Committee who is Pandit Malaviya?—Pandit Malaviya is a respectable citizen of India, and at one time my leader



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(Mr. Bannerjee.) He was twice President of the Indian National Congress.

8708. I wanted to know if he was a Hindu?—(Dr. Moonje.) Yes.

8709 But on the 16th September Pandit Malaviya announced that the venue would be changed from Bombay to Delhi?—Yes.

8710. This fast unto death began on the 30th September, 1932. To cut the matter short ultimately the Pact was signed on the 25th September, 1932. Is that so?—Yes.

8711. You were there?—I was not there in Poona when the Pact was signed.

8712. You were at Bombay?—I was in Delhi.

8713 It was signed on the 25th September, 1932, as you have told us, and, on the 26th September the very next day, at 11 o'clock in the morning, the Home Member announced in the Assembly at Simla that His Majesty's Government had accepted the Pact. I shall ask the Bengal witness at this time, that is to say, between the evening of the 25th September and 11 o'clock on the 26th September, 1932, where was the Government of Bengal? Was it in Calcutta or in the Hills?—(Mr. Bannerjee) It was at Darjeeling in the Hills

8714 Before acceptance of the Pact by His Majesty's Government next morning, or may be earlier, were any of the representative Hindus, or any Hindus, to your knowledge, sent for by the Government for inquiring whether they were agreeable to accept this Pact?—I could not speak for any Hindu; but, in any case no member of the Bengal Legislative Council was consulted, and, so far as my information goes, no representative Hindu was asked his opinion on the question.

8715. Was any representative of the Bengal Hindu Sabha sent for, or inquiry made by telegram whether the Bengal Hindus were willing to accept the Pact?—No inquiry was made by the Government of Bengal of any representative Hindu from Bengal, whether belonging to the Mahasabha or not.

8716. I want to take you to the next period of time. The Pact having been accepted, or rather acceptance having been announced, on the next day, the 26th September, was any protest or objection made by Bengal Hindus, first of all, either in newspapers or in meetings, or anywhere?—Yes.

8717 Will you tell us very shortly what was done and by whom?—No concerted action was taken immediately, but individual protests were made in the newspapers as early as the 29th September by members of the Bengal Legislative Council. I, myself, a member of the Bengal Legislative Council, protested against the Pact in a letter to the "Statesman" newspaper. Within a week from that time, Mr. N. K. Basu, a member of the Bengal Legislative Council, protested against that in a letter to the "Amrita Bazar Patrika", within a fortnight Mr. B. C. Chatterjee, who is also here, sent a series of letters to the "Amrita Bazar Patrika" and the "Liberty." There were individual protests. At that time the Bengal Legislative Council was not sitting. Its next Session commenced in November. Immediately after the commencement of the Session, 25 Members of the Bengal Legislative Council sent a telegram of protest to the Prime Minister, or I believe, to Sir N. N. Sircar who was here, for the purpose of forwarding it to the Prime Minister. After that there have been various other protests. Shall I go into details?

8718. Very concisely if you can give the facts?—On the 11th January, at a representative meeting presided over by Sir B. B. Ghosh, now a member of the Executive Council of the Viceroy, a protest was recorded against the terms of the Poona Pact, and since then the Bengal Legislative Council at its meeting of the 14th March has adopted a resolution protesting against the Pact.

8719. Will you take it from me (it appears from the printed evidence) that Sir Tej Bahadur Sapru informed the Committee that two or three important Bengali Hindus had cabled to him accepting the Pact. I wrote to Sir Tej Sapru, and his present recollection is that he does not remember the names or the description of any of these Bengali Hindus except that one is some Rajah from Kurseong. Can you tell us who he is?—No, I have no idea, nor do I think there is any such person, nor is there any representative Bengali who would send such a telegram to Sir Tej Sapru.

8720. You may take it from me that Dr. Ambedkar stated from his seat here, that seven Members of the Caste Hindus were present when the Pact was made. I wrote to Dr. Ambedkar on the 23rd July, and put it to him that it would be fair



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even now to disclose the names of these witnesses so that I can get their status and position from the Bengal witnesses. I have not received any reply. May I ask you, so far as your information goes, first of all, was any Bengali or representative Bengali present at Poona? I am proceeding backwards?—Present at Poona at the time of the signing of the Pact you mean?

8721. Present at Poona at the time of the signing of the Pact, or very shortly before, or about that time?—So far as my information goes, only two Bengalis were present at Poona at the time. One of them is a caste Hindu, but he also does not occupy any representative position, nor had he been deputed by any public association of Bengal to go and sign the Pact.

8722. What about the other Bengali?—The other Bengali was a Namasudra belonging to the depressed classes.

8723. Did any Bengali caste Hindu sign this Pact?—No, no Bengali caste Hindu signed this Pact.

8724. Do you know, as a matter of fact, when the party went down to Poona from Bombay?—I do not remember the date.

Sir N. N. Sircar.

8725. You referred to a certain telegram which had been sent by the 25 members of the Legislative Council and the replies and so on. I have tendered my letter of the 14th December, 1932, from myself to the Prime Minister, which contains those telegrams. (See page 1118). The Committee was further informed by Dr. Ambedkar that he had sent a letter to the Prime Minister. I asked for a copy; I have not got it. Have you any knowledge about a letter that was sent by Dr. Ambedkar to the Prime Minister?—I do not know anything about it.

8726. As a matter of fact, in spite of the reason given for the fast, namely that the fast will continue unless the scheme of communal electorates disappears, or until that is revised by His Majesty's Government, there was no demand by Mr. Gandhi for an increase of seats?—There was no specific demand whatever on the part of Mahatma Gandhi.

8727. He put it on the ground that this communal electorate would disrupt and vivisect Hindus: that was the ground?—Yes.

8728. Tell me very shortly what has been the result of the Pact. See if I am right. Under the original communal decision, which we submit ought to be accepted on this point, the allocation for Bengal as regards the Depressed Classes was ten?—Not to exceed ten. A maximum of ten was the language of the Government.

8729. Under the Poona Pact the number is increased to thirty?—Yes.

8730. In addition to the thirty, is it not a fact that the Depressed Classes, particularly (if I may use the expression the fighting classes, form 60 or 70 per cent. of the population in portions of East Bengal and of North Bengal?—Yes.

8731. As a matter of fact, at the present moment there are six or seven Members from this class without any help of any Pact, or things of that kind?—Yes; five Members belonging to the Namasudra and the Rajbangshi castes.

8732. There at present six or seven without any help. In the increased Council, can you form any kind of rough estimate as to the number of seats they can get in addition to the thirty?—Apart from the thirty reserved for them, they are sure to get at least a dozen seats.

Mr. M. R. Jayaker.

8733. Who?—The Namasudras and the Rajbangshis—the Depressed Classes, to put it generally.

Sir N. N. Sircar.

8734. I do not want to get into details about caste and so on—that would take too much time—but these two castes form about 2,000,000?—Thirty-four lakhs precisely—3½ million.

8735. They had been, ever since about 1911, getting themselves returned in the Census returns as belonging to the higher class, and in fact one of this class still uses the sacred thread?—Yes, the Rajbangshis. The Namasudras also are a very advanced community in many respects.

8736. In answer to certain questions which you put in the Bengal Council, Mr. Prentice said that in sending the list here of the scheduled castes, he had not followed either the recommendations of the Lothian Committee, or he had not applied any criteria at all, but had simply put forward such castes as he thought to be politically and socially backward. You put those questions?—I put certain questions.

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Mr. Butler.] Before we leave that point, if you study the White Paper, on page 124, the word "provisional" is included after the names of the scheduled castes in Bengal.

Sir N. N. Surcar.

8737. I realize it is provisional. In answer to another question, he said there are 4,500 objections on behalf of different communities. They are all objecting to be included in this caste, and he says he will read them when he goes to the hills?—Yes.

8738. Have you subsequently been told what has been the result of the investigation as to these Depressed Classes?—The result had not been published till the middle of June. I do not know what has happened since then.

8739. I have done with the Poona Pact. We had some evidence here about the simplified form of vote with coloured boxes and so on. You recently had experience of that, had you not?—Yes, in November last.

8740. Will you tell the Committee shortly how that system worked and what was the result?—That simplified voting by means of coloured boxes, in my humble opinion, does not help matters at all. People vote, not for a particular person, they vote for a particular colour; and I submit that is neither representative government nor democracy.

8741. I want to know how many votes were recorded?—Even with this simplified form of voting, even with the help of the coloured boxes, you cannot poll more than 300 in a working day of, say, six hours.

8742. I do not want general statements. How many could be polled on this occasion?—On this occasion, 2,000 people had arrived for the purpose of recording their votes. The poll continued from 11 a.m. to midnight and during this time only 609 votes were recorded with the help of this simplified form of voting which is supposed to facilitate matters.

8743. The others had to be sent away?—Yes, they had to be sent away.

8744. Do you agree with the rather optimistic statement made in the Franchise Committee's Report that a thousand can be polled on a single day?—They could be polled, but it would not be balloting. In point of fact, they would only be asked whether he was going to vote for such and such a man. That is not preserving the secrecy of the ballot

box, but if secrecy were to be preserved, if voting were to proceed on regular lines, it would be absolutely impossible to poll a thousand votes in a day.

Mr. Butler.

8745. May I ask the witness how many polling clerks he is referring to on this occasion?—One polling officer and two assistants.

8746. May I ask him whether, if the number of assistants is increased, it does not make it easier?—That will not help in the least, because it is the polling officer only who can go inside the polling booth and ask the illiterate voter whom he is voting for. You cannot entrust that duty to less responsible people.

Marquess of Reading.

8747. Did the polling officer in that case ask every voter whom he was voting for?—Except in the case of the illiterate voters, he did not put that question; but the illiterates form 50 per cent. of the voting strength, and this not on the franchise proposed by the White Paper but on a narrower franchise which is reserved for local board elections.

8748. Did I understand you to add in the case of the illiterate voters the polling officer asked every voter whom he is voting for?—Yes, he had to.

8749. That is not the system proposed in the Franchise Committee's Report?—I beg your pardon; in this particular case they had coloured boxes, but they forgot which coloured box was for which candidate. Consequently, they asked advice and assistance of the polling officer.

Nawab Sir Liqat Hayat-Khan.

8750. We do not really know what is intended to come out of this examination. Is Mr. Bannerjee's contention this, that this particular method of coloured boxes is objectionable or does he mean that the electorate should be reduced that you cannot cope with the large number of voters? I just want to clear that up?—Whether the electorate should be increased or reduced is not the point with which I am immediately concerned. What I am immediately concerned with is that, in the first place, with the coloured boxes you do not get proper voting at all. In the second place, even with the coloured boxes you cannot possibly poll a sufficiently large number of people on one day, so that with the huge electorates proposed in the White

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Paper there is just a possibility of an administrative breakdown so far as recording of votes is concerned.

8751. Your objection, therefore, is confined to this particular method of voting?—No, I have made it perfectly clear that it is not a question of this or that method, my point is that in the present state of literacy, you could not possibly record a very large number of votes on one day.

Mr. M. R. Jayaker

8752 Are you against the large electorates proposed in the White Paper?—Yes. But that is a different question.

8753. On the merits, are you against the larger electorates proposed in the White Paper?—On the merits, I am. That is my individual opinion.

8754. Are there many people in Bengal who share your view?—A large section of people.

8755 Do they form the majority or the minority?—I could not say; I have not taken a census of that. I have ascertained the views of many of my colleagues on the Legislative Council, and the majority of them would be against it. All the Members of the Bengal Provincial Franchise Committee were against it.

Sir N. N. Sircar.

8756. I would like to put this question both to Mr. Bannerjee and Mr. Chatterjee. You are both Members of the Council. Will you kindly answer a question straight before the Committee: Supposing the White Paper Constitution is accepted and the safeguards are not removed to the extent to which it is desired by some people, and so on—take it substantially that, barring details, the White Paper goes through, will you be prepared to work this Constitution in Bengal?—Yes, certainly the large majority of the people will be quite prepared to work the Constitution.

8757 I believe, Mr. Bannerjee, you are the President of the Congress Committee?—No, at present there is no Congress Committee. I was, in 1927, President of the Bengal Provincial Congress Committee.

8758 You were President up to 1930, were you not?—No, I was President in 1929 and 1930 of a District Congress Committee. In 1927 I was President of the Bengal Provincial Congress Committee.

8759. At any rate, you were President of some Congress Committee, up to 1930?—Yes.

8760 You have now severed your connection with the Congress?—Just at present, I do not hold an official position in the Congress, but I am a Member of the Congress.

Mr. M. R. Jayaker.

8761 Do you pay the yearly subscription of the Congress, as a Member?—Yes, I am a four anna or 6d. Member, as they call it.

Sir N. N. Sircar.

8762 Will Mr. Chatterjee kindly answer this question. Will he be prepared to run this Constitution—I mean, not entering the Legislature for creating breakdowns and deadlocks, and things of that kind, but honestly to run the Constitution, if you get nothing but the White Paper, substantially—there may be slight alterations?—(Mr. Chatterjee.) In my humble opinion, if the Constitution which has been sketched in the White Paper goes through, then we shall not get responsible Government in Bengal; and those who have been looking forward, like myself, to the salvation of India through the working of Provincial responsible Governments, will be too disappointed to take part in such a Constitution; but I think the elections would be contested, as far as the Hindus are concerned, on the one side, by those who want to wreck the Constitution, and, on the other, by those who may be shortly described as job-hunters.

Sir N. N. Sircar.] What is your reason for saying that?

Sir Austen Chamberlain

8763. Would the Witness make clear what part he proposes to take in the contests which he has just described?—I shall not be in it at all, Sir.

Mr. M. R. Jayaker.

8764. May I put one question? You do not suggest, that if the Constitution outlined in the White Paper is given to India, it will be received with satisfaction by the important political parties in the country?—May I just understand the question? This question is a bit too general. If I could understand the trend of the question?

8765. I am asking you because you answered the question put by Sir Nripendra Sircar that the Constitution

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would be wrecked?—Mr. Bannerjee said that.

8766. What is your view—would it be worked with satisfaction?—As I have said, as far as I can see, it denies us responsible Government in Bengal, and that will create very profound dissatisfaction. But, as I say, there are two classes who might be expected to come and contest an election, those who want to wreck the Constitution and those who want jobs.

Sir N. N. Sircar.

8767. May I know why you say it denies responsible Government in Bengal?—Because in Bengal it creates a permanent communal majority which is unalterable by any appeal to the electorate, to use the language of the Simon Commission. If I may add, the Lothian Committee Report pointed out that in order that you may get responsible Government, you must, in the first place, have a party in power, functioning as Executive Government, and also an Opposition which would be capable not only of criticism, but of taking over the responsibilities of Government, when called upon to do so. In Bengal you have created a permanent communal majority, in the first place, by giving our Muhammadan friends 119 guaranteed seats on the basis of a communal electorate, and of the special seats, if you make a very conservative computation, they would be bound to get at least six; so that our Muhammadan Members of the Council would be in a permanent majority, would have a permanent number of 125, as againsts the Hindus and the Britishers, Anglo-Indians and Indian Christians, and, necessarily, the leader of this party must be sent for by the Governor to form his Ministry; and since this is going to be a Ministry founded upon the basis of a communal electorate, returning a communal party into power, that Ministry, as far as one can see, must be a communal Ministry, and there will be the greatest incentive on the part of our Muhammadan friends to stick together, because, if they did so, they would get all the seven Ministries to themselves, and if they did things which others did not like, the latter could not replace them.

8768. One last question, Mr. Chatterjee. Do you not think your suggestion would antagonise people, the suggestion which you make at paragraph (K), Document No. 62, the proposal you make of giving

the Governor the power to decide whether a particular Member is acting in conformity or not. Do you not think that is impracticable and will antagonise people?—If I may explain myself, as far as I am personally concerned, I am able to say, with a fair amount of confidence, that if Bengal is given responsible Government, either by the alteration of the Communal Award in the shape of the creation of a joint electorate for all, or even by altering it to the extent of giving the Hindus and Muhammadans an equal number of seats on the Council, then the Swarajists, or, in any event, the most influential section of them, will come and work the Constitution. I have no doubt about that. I have been in intimate touch with the Swarajists for the last three years, and I think I can give the assurance to this Committee that in the event of a satisfactory re-adjustment of the seats so as to make responsible Government real to Bengal, the Swarajists will come and work it. But I make this suggestion that I have made here to meet a certain objection that the Secretary of State appeared to raise in the House of Commons when he introduced his White Paper. He rather felt that if the Hindus came in in any large number, the wrecking tactics might be revived. It is merely to allay his fear that I make this suggestion, but if, as Sir Nripendra Sircar has put it to me, if the suggestion I have made does not appear to recommend itself to men like him and my countrymen generally, then I will not press it, because it is not an essential part of my scheme.

Sir A. P. Patro.

8769. Will you kindly tell the Committee whether the Hindu Mahasabha is a religious association or organisation or entirely a political organisation or political association?—(Dr. B. S. Moonje.) The Hindu Mahasabha is essentially a religious and a social organisation, in order to bring about religious and social reform of the Hindus, but it had to go into politics in order that attacks and assaults made on the rights and privileges of the Hindus could be defended.

8770. I mean the Hindu Mahasabha is a very comprehensive expression, is it not?—Yes.

8771. And it does not include all representative Hindus in the organisation?—It represents all Hindus, Budhists, Depressed Classes, etc.



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By the population basis I meant the adult population basis.

Marquess of Lothian.

8782. Do you apply this principle to other Provinces and to India as a whole as well?—I apply the principle of joint electorate to all the Provinces of India.

8783. The principle of equality of representation: Do you apply that to all the other Provinces and to all India?—Where equality would be based equitably, as it would be in Bengal, having regard to the various considerations involved. I can make my point absolutely clear by giving the figures. If you take the adult population as the basis of your calculation, then of the general seats, Muhammadans would get 103, and Hindus 96. If Muhammadans get another six seats, which is the least which in my computation they would get of the special seats, then their number would be 109 and the Hindu number would be 110, that is to say, it would work out to an equality. If you have the same proportion in the other Provinces, then certainly they should be equal, provided the proportion is the same. (Dr. Moonje.) May I say something on this point?

Chairman.

8784. If you please?—The point that has come out of Mr. Chatterjee's reply to Lord Lothian is in a general way this: If there is a joint electorate in all Provinces and no reservation of seats anywhere, the Hindus accept the position as a position of equality of all, so that everybody will get it according to his merit and competency. If there is reservation, the Hindus are prepared to accept reservation on the population basis of the minority community in any Province, whether in that Province the minority is a Hindu minority or is a Muslim minority, but the Hindu Mahasabha can never accept that point where reservation is made to a majority community and on a communal basis, because under those circumstances, as Mr. Chatterjee has said, there is no responsible government; there is a communal government that is established. That is the general principle that ought to be applied equally to all the Provinces including those Provinces where the Hindus are in a minority.

Lord Rankeillour.

8785. On that might I ask Dr. Moonje whether, if he has joint electorates, he

would also have proportional representation?—I have no objection. I should be very glad if the system of proportional representation were to be introduced, if there are joint electorates. I consider personally that the system of proportional representation is the best solution for remedying this communal inequality.

Sir Abdur Rahim.

8786. May I put a general question: What merit has a Muhammadan in the eye of the Hindu Mahasabha?—He is an Indian, a citizen of India.

8787. Would you accept him as a Member of the Hindu Mahasabha?—I have said that the Hindu Mahasabha is essentially a religious and social organization. So far as its religious activities are concerned, the Muhammadans have no concern with that. So far as politics are concerned, the Hindu Mahasabha is entirely a national organization where the Muhammadans in those political departments can join.

Mr. M. R. Jayaker.

8788. It is on the same lines as a Muhammadan communal organization?—Quite so.

Sir Hubert Carr.

8789. Arising out of that remark, I cannot quite follow why, if in the legislature matters of vast interest to the Province will not cut across communal differences, Dr. Moonje should say that in a joint electorate a man would get in on his merits, whether Hindu or Muslim. Is that what you claim: That in the Legislature large matters of interest would not cut across communal differences, but in a general electorate merit alone would decide which member would go to the Legislature?—In the Legislature large questions cannot be discussed on national understanding and on a national basis because every member in that Legislature comes from a communal electorate. We hope, and it is accepted and it is the experience of the world, that when those communal electorates are done away with and everybody considers and comes into general electorate as an Indian, as a citizen of the land, his ideas of his communal interest are set aside and then he begins to think of how the whole administration is to be run, as a citizen and not as a Hindu or as a Mussulman.

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8790. I take it that is a general hope. I will pass on, if I may, to a question which arises out of several of these Memoranda and that is with regard to the protection of minorities. Pandit Nanak Chand speaks with considerable apprehension of the future of minorities. Does he think that a Second Chamber in the Punjab, where the communalities might be expected to be somewhat less keen, would afford some protection for minorities?—(Pandit Nanak Chand) The question is On what lines is the Second Chamber going to be formed? If the Second Chamber is going to be formed on lines on which the Lower Chamber is recommended to be formed, I am afraid it would be entirely of no use to us—to the minorities—because the minorities in the Punjab had the bitterest experience of the communal domination by a majority community, and I can speak from experience of ten years in the Legislative Council of the Punjab that no important question there has been considered but from communal standpoints, and, therefore, if the Second Chamber is also formed on the same lines it would be entirely of no use; but if the Second Chamber is formed on different lines I would like to know the lines on which it is going to be formed, and then in that case it might prove of great use to the minorities.

8791. Would you expect, Pandit, that as communalities begin to die out they would die out in the more highly qualified assembly—the Second Chamber—first?—My experience is this, so far as the Punjab Legislative Council is concerned: The more highly educated a person is the larger is his desire for communal domination. I am afraid I can see no time when with these communal electorates there would ever be a growth of harmony or of national spirit.

8792. I will leave that question. May I refer to one other question and that is with reference to Memorandum No. 62, Section IV, paragraphs (o) and (p). Would Mr. Chatterjee tell us whether he considers terrorism will die out under such a regime as is suggested in the White Paper, or whether he thinks it will continue even against a popularly elected government?—(Mr. Chatterjee) If the regime suggested in the White Paper goes through and then materialises, a permanent communal majority unalterable by any appeal to the electorate, in

that case the revolutionary movement would get worse.

8793. Against whom would it be levelled—against the new Government?—I am afraid so.

Marquess of Salisbury.

8794. When you say it will get worse, might I ask why you think it would get worse?—Because it would create such a terrible disappointment to the whole of the Hindus in Bengal that the material for the growth of the revolutionary feeling would be very much deepened.

8795. You mean because there would be no other method of redress. Is that your idea?—That is so. We are trying our last method of redress before this Committee, and, if we get no redress here I am afraid the Terrorist Movement would get a tremendous fillip.

Sir Hubert Carr

8796. I wanted to get clear whether that would be levelled against the Government or against whom? Would it be against this new Muhammadan Majority Government?—I am afraid so, Sir.

8797. So that terrorism we may look upon as not being levelled against, shall I say, the British Raj, but against any Government they do not like?—Yes, any Government that eliminates responsible government.

Marquess of Reading.

8798. May I ask one question on that answer? Mr. Chatterjee, I did not quite follow one of your answers to a question. Do you mean to suggest that the Terrorist Campaign in Bengal is in any way affected by communal movements or differences?—The Terrorist Movement in Bengal up till now has not been a communal movement.

8799. I thought it had nothing to do with communal questions at all?—It has not, but if the conditions foreshadowed in the White Paper go through, then, I am afraid, the Government that would function being a Communal Government, it will take a communal turn.

8800. That means, take a communal turn merely for the purpose of accentuating the movement against that Government. That is the point, is it not?—A little more than that, if I may say so. As I have said quite plainly in my Memorandum, it would unfortunately bring into reality a condition of things

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which was imagined by Bankim Chatterjee in his book called "Anandamath," which, as you know, is a sort of Bible of this party. (Dr. Moonje.) May I explain this point a bit?

*Chairman.*

8801. Please?—What Mr. Chatterjee means to say is this. The Terrorist Movement has been brought into being in the hope that it exercises a pressure upon the British Government to give India self government and Dominion status.

*Mr. A. H. Ghuznavi.*

8802. That is not so at all?—And so long as the hope is there that this Committee, which is sitting here, is our last resort, where we can place our views and appeal to the British nation that it is to the interest of both India and England to have responsible Government and Dominion status on a purely national line, and not on communal lines, there is a hope that, if such an eventuality were to happen, the Terrorist Movement will die out of its own accord; but if the Constitution, particularly in Bengal, as formulated in the White Paper, were to provide for a Communal Majority established by Statute, and others have no right constitutionally to make their minority into a political majority, if that goes through in this Committee, the last hope of having redress will have gone, and they will fight the battle of desperation with their back to the wall, and that is why Mr Chatterjee means that, if this Constitution goes through, in Bengal the Terrorist Movement, instead of dying out, as it is hoped it will, would have a fillip. That is what Mr. Chatterjee means.

*Chairman.*

8803. I should like to hear from Mr. Bannerjee whether he agrees with what Dr. Moonje has just said?—(Mr. Bannerjee.) May I speak as coming from a province where Terrorism is rife? My opinion is that Terrorism is something like an endemic disease. Once it is planted in a country it has a tendency to remain there irrespective of the character of the Government, but my impression is that if the Hindus of Bengal are bitterly disappointed with the decisions of the Committee, it is possible that the terrorist bias in the minds of some of the people will be accentuated.

8804. Mr. Chatterjee, do you agree with the interpretation Dr. Moonje put upon your words?—(Mr. Chatterjee.) As far as I am able to say, I do.

*Marquess of Salisbury.*

8805. You say you do?—I do agree with what Dr Moonje has said.

*Sir Hubert Carr.*

8806. If the Bengali Hindus are satisfied with amendments brought in the White Paper, what party will the Terrorists join when they give up their present activities?—I think they might even stand for election to the Legislative Council.

8807. As?—As men who wish to work responsible government. I am basing this prediction (although it is always difficult and dangerous to make predictions) on my previous experience. We had a revolutionary movement in Bengal from 1907 onward.

*Mr. A. H. Ghuznavi.*

8808. 1905?—It began from 1907, 1906 to be absolutely correct; 1906 onward.

*Sir A. P. Patro.*

8809. The partition of Bengal?—No, the partition of Bengal may have been the immediate cause of it, but there were other elements working, for instance, the triumph of Japan over Russia, and a great many other considerations which I cannot enter into consistently with the time at our disposal. This movement which went on increasing, and which did not cease with the undoing of the Partition, came to an end when Great Britain announced her famous change of policy in the Declaration of the 20th August, 1917. The Marquess of Zetland, who was the Governor of Bengal, during a period of time when this movement was at its worst, would bear me out if I tell you that these Terrorists, that is those of them who were defended by me in the various Courts of law, authorised me to submit a Memorandum to the Government of Bengal (it was submitted by me to Lord Carmichael, but Lord Zetland had access to it) in which they said that if India were really started on the road to freedom within the ambit of the British Empire, they would give up their revolutionary activity, and after the



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Montagu-Chelmsford report came out, I had letters, addressed to me from the Andamans and various other places, in which these various people who had been either sentenced to transportation or imprisonment had been interned or deported, asking me to convey their assurance to Mr. Montagu that, in view of the Declaration of the 20th August and of the statements in the Montagu-Chelmsford Report they had no further fight with Great Britain, and that they might be brought back, so that they might live the life of ordinary peaceful citizens, and an amnesty was thereafter granted, and these men came back, and 95 per cent of them have kept their pledge, and have been living the lives of loyal and law abiding citizens. It is in the light of this experience that I venture to predict that if we have real Provincial autonomy, real responsible government functioning in Bengal then the present revolutionary movement will come to a stop, because the revolutionaries occupation will be gone.

*Chairman.*

8810 For the sake of clearness the Andaman Islands in those days was a penal settlement?—Yes. I think they have revived it as a penal settlement lately.

*Sir Hubert Carr.*

8811. I do not want to press this matter further. There is only one thing that I want to be quite clear about. Would the attitude of the Terrorists have been different with the Muslim Party in charge of the government in Bengal, or would they still retain their Terrorist methods?—If the Muslim Party in charge of the Government were to be returned on a joint electorate, I think Terrorism would cease.

*Sir Abdur Rahim.*

8812. Is that information you have had from the Terrorists?—I am very thankful for this question. Nobody knows who are the Terrorists actually at large, not even the Police; but a large number of people have been interned at various centres in Bengal. I have also had to defend accused persons in what are known as Terrorist cases; and, from my conversations with these people, I venture to say that I am speaking quite responsibly when I say that the realisation of provin-

cial autonomy of a real type would put an end to this Terrorist movement.

*Dr. B. R. Ambedkar.*

8813. I just want to ask one or two questions to Dr. Moonje, to start with. Dr. Moonje, you have been asked certain questions by Sir Nripendra Sircar about the meeting that was called by Pandit Maaan Mohan Malviya in Bombay to discuss what could be done with regard to the question that was raised by the fast of Mahatma Gandhi. I just want to ask you one or two questions in order to bring out the details. You were present at the Conference which was held in Bombay under the presidency of Pandit Malviya on 19th September, 1932?—(Dr. Moonje.) Yes.

8814. At that meeting, as you know, a small Sub-Committee was appointed?—Yes.

8815 Consisting of the representatives of the Depressed Classes and of the Caste Hindus, including Mr. Jayaker, Sir Tej Bahadur Sapru and others?—Yes.

8816 That Sub-Committee went over to Poona to discuss this question?—Yes.

8817. Because they thought it would be very desirable to be near Mahatma Gandhi when the matter was being discussed. The Poona Pact was arrived at at Poona as a result of the deliberations of the Sub-Committee, in agreement with Mahatma Gandhi?—Yes.

8818. Then the Conference which had appointed this Sub-Committee met again in Bombay on the 25th September?—It may be; I was not present.

8819. At that meeting the Pact was put to the vote and was passed; is that not so?—I am glad that Dr. Ambedkar has given me an opportunity of explaining all the details.

8820. Do you know that of your own knowledge?—I can give the details which I, personally, know.

8821. I just want to ask this question. I want to know whether you are aware that the Sub-Committee, after having finished its work in Poona, came back to Bombay and reported what it had done to the main Conference of the Hindus which had appointed the Sub-Committee?—Yes, it must have done.

8822. I will put the question to Mr. Gavai, who I think was there. Mr. Gavai, you took part in the negotiations which resulted in the Poona Pact?—(Mr. Gavai.) Yes.

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Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND.

8823. I am not putting it in an offensive manner, but you at that time belonged to what is called the Raja-Moonje Pact Party?—Yes.

8824 You were present in Poona?—I was.

8825. When the Pact was signed, the Sub-Committee came back to Bombay and reported to the Conference under the Presidency of Pandit Malviya and a resolution was passed by the whole of that Conference, approving of the Poona Pact?—Yes. (Dr. Moonje.) On these points that Dr. Ambedkar has asked me, may I not explain?

Chairman.] I think the Committee would prefer to hear the conclusion of Dr. Ambedkar's examination. We will hear your explanation afterwards, Dr. Moonje.

Dr. Ambedkar.

8826. After the Sub-Committee was appointed and it went to Poona to discuss this matter with Mahatma Gandhi, there was a Session of the Hindu Mahasabha held at Delhi between the 24th and 26th September, 1932?—(Dr. Moonje.) Yes.

8827. Under the presidency of Pandit Malviya?—No, under the presidency of Mr. R. C. Kelker.

8828. Mr. Ramanand Chatterjee was present at the meeting in Delhi?—Yes.

8829. Raja Narendranath was also present at this meeting of the Hindu Mahasabha in Delhi?—Yes.

8830. Is it not a fact that the Poona Pact was ratified by the Hindu Mahasabha at the Delhi Session?—Yes; there is no question about that.

8831. Mr. Ramanand Chatterjee is the leading member of the Caste Hindus of Bengal?—Yes.

8832 And also a very prominent member of the Hindu Mahasabha?—Yes. (Mr. Bannerjee.) May I explain that he is not a Caste Hindu at all; he is a non-Caste Hindu, he is a Brahmo.

Marquess of Zetland.

8833. I saw there was a misprint in the evidence before; it is a very natural mistake. Sir Rabindranath Tagore was described as a "Brahmo," which is a very different thing from a Caste Hindu. In the evidence the word "Brahmo" became "Brahmin," which is one of the highest castes of Hindus there is. The same thing applies to Mr. Ramanand Chatterjee; he is a Brahmo, not a Brahmin. Is that not so?—Yes.

Mr. Zafarulla Khan.

8834 We on this side, who really do not know the details of this, wish to understand it. Is it Brahmin or non-Brahmin, a question of birth, a question who is born a Brahmin? Dr. Moonje is a Brahmin by caste, although he might give us his convictions so far as caste is concerned?—If he adopts a different religion, he ceases to be a Hindu.

Mr. M. R. Jayaker.

8835. May I ask a question on this point? You do not mean to suggest that because a man is a Brahmo, he ceases to be Hindu?—(Mr. J. L. Bannerjee.) He certainly ceases to be a Hindu by religion; he is a non-Hindu. When a Bramho marries he has to describe himself as a non-Hindu.

8836. I am not speaking of the matter in connection with the law of marriage or anything of that kind, but do you say, as a Hindu, that if a Brahmin becomes a Brahmo in religion he ceases to be a Hindu or a Brahmin?—He ceases to be a Brahmin, certainly.

Dr. B. R. Ambedkar.

8837. Dr. Moonje, apart from the question of whether Mr. Ramanand Chatterjee is a Brahmo or Hindu, he has been taking a very active part in the movement of the Hindu Mahasabha?—(Dr. Moonje.) Yes.

8838. He has been a protagonist of the Hindu interest?—Yes.

8839. Raja Narendranath comes from the Punjab?—Yes.

8840. He is the President of the local Hindu Mahasabha?—He is a President of the Hindu Mahasabha, too. May I explain, my Lord Chairman?

Chairman.

8841. If you please?—I was called to the meeting in Bombay by Pandit Malviya when the meeting took place and when the discussions were going on. I got up, Dr. Ambedkar will remember, and said that when Mahatma Gandhi was not prepared even to grant reservation of seats to the Depressed Classes in joint electorates with the Hindus, when he was in London at the Second Round Table Conference, it is not possible for Mahatma Gandhi to come to any compromise on this question, in order that he may give up his fast. However, to our great relief, on the second day news came that Mahatma Gandhi was prepared to recognise the reservation of seats in joint

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electorates I was greatly pleased. Then at a certain meeting, where the principle of the Poona Pact was being evolved, I distinctly told at that time Pandit Malviya that this principle of the Poona Pact which is being evolved is based upon separate electorates. I personally, and the Hindu Mahasabha as a body, have a fundamental objection to separate electorates, and I personally and the Hindu Mahasabha as a body will not accept this principle of the Poona Pact. Then of course I could not go to Poona, along with the other members, for carrying on the negotiations. Then, to my satisfaction, having come to know that Mahatma Gandhi was prepared to accept the reservation of seats, I said "The danger to Gandhi's life is over," and therefore I went to Delhi. In Delhi, when the session of the Hindu Mahasabha was in progress, we received the wire that Gandhi had accepted the Poona Pact and, naturally, everybody was anxious to save the life of Gandhi, and we passed a resolution in the Hindu Mahasabha—

Dr. B. R. Ambedkar.

8842 Accepting the Pact?—Yes, accepting the Pact. But it must be understood here that on the spot, Raja Narendranath on behalf of the Punjab protested, and protested in vain, but of course the majority of the whole House was at that time in fear and dread—

Mr. Zafrulla Khan.

8843 Under the shadow of the fast?—that if the Pact was not accepted, Mahatma Gandhi's life would not be saved, and therefore they accepted the Pact. Those are all the details. One particular point is this. In our negotiations with Dr. Ambedkar during the First and Second Round Table Conferences, Dr. Ambedkar has agreed, and I made that agreement on behalf of the Hindu Mahasabha that he was fully satisfied if, under a system of joint electorates, reservation of seats on the population basis would be granted to him. On one occasion during the Second Round Table Conference, when Dr. Ambedkar thought that there was some ambiguity in this point, I suggested to him that a joint letter should be sent to the Prime Minister, signed by himself and myself, saying that the difference between the Depressed Classes and the Hindus were settled by this arrangement; that is, reservation of seats on the popu-

lation basis in joint electorates with the Hindus.

Dr. B. R. Ambedkar.

8844. To which I did not agree?—To which, at that time, Dr. Ambedkar did not agree, but at the First Round Table Conference, Dr. Ambedkar did agree and, by his consent, the fact was announced to the American newspapers.

Dr. B. R. Ambedkar.] I do not accept that.

Mr. M. E. Jayaker

8845. May I ask a question, Dr. Moonje? You were speaking about the Hindu Mahasabha accepting the Poona Pact at Delhi?—Yes.

8846. Do you mean to say that the Hindu Mahasabha accepted the Poona Pact, not on its merits, but because of the satisfaction that Mahatma Gandhi's life was saved?—I have already said that when the Pact was being evolved I distinctly said that the principle under which the Pact was being evolved could not be acceptable to me personally or to the Hindu Mahasabha as a whole because it was based on separate electorates. (Bhai Parmanand) May I add one word? The Punjab Hindus have a similar feeling towards the Poona Pact as the Hindus of Bengal. Raja Narendranath was opposed to it on the very day when the Hindu Mahasabha passed a resolution accepting it in a hurry. Within 48 hours of the acceptance of the Poona Pact at Bombay there was a Hindu protest in the open meeting. The Secretary of the Punjab Hindus also made a protest, and Dr. Gokalchand sent a cablegram to the Premier here that the Punjab Hindus were opposed to it. The Hindu feeling is still opposed to it. There are articles in the newspapers, which I have not with me, that the Poona Pact has affected the Hindus of the Punjab very badly. Then one thing more, and that is that certain Scheduled Tribes of the Depressed Classes, who regard themselves recorded in the Census Report as Hindus, as Butwalas, Barawals, Kabirbanthas and Domes have not been included among the Scheduled Tribes of the Depressed Classes. They are carrying on an agitation on that behalf, the names of these Tribes are Butwalas, Barawals, Kabirbanthas and Domes. They amount to about 50,000 population in the Punjab because they got themselves recorded in the Census Report as Oriyas. They are not mentioned in the Scheduled Tribes; and they

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are creating this agitation in order to be included among them. So that shows a sort of prejudice against those Tribes of the so-called Depressed Classes amongst all those who describe themselves as Hindus. Therefore, my request to the Joint Select Committee is to look into this matter, and at least give them a right in the new tribes

Mr. Zafrulla Khan.

8847. His last point is not clear. These particular tribes whom you have mentioned want to be scheduled?—Yes.

8848. And they have not been scheduled?—This is another aspect—

8849. I want to clear the point up. Not exactly, but in a sense, they are as much depressed as those who have been put in the schedule?—My point is this, that simply because they have described themselves as Hindus in the scheduled castes they have been excluded from this right which has been given to the other tribes.

8850. The right to be scheduled?—Yes (Dr. B. S. Moonje.) May I explain this point. As regards the Punjab and as regards Bengal the objection of the Hindu Mahasabha is that after careful examination, both by the people and the Lothian Committee, it was found that the question of depressed classes does not exist in Punjab, and the question of depressed classes in Bengal is not so insistent or is not so keen as to require any very great consideration. It was this point which has been made a grievance, and my friend, Mr. Parmanand, says that these people are complaining that they are not included in the depressed classes because they have been made Arya Somajis. The point is that if the depressed class question in Punjab is to be created as a vested interest in separate electorates, then these depressed classes have a right to be included, because they themselves are members of those classes, which are now being scheduled as depressed classes. If that vested interest is not to be created then those people have no claim to be included in those depressed classes.

Dr. Ambedkar.

8851. Might I ask one question. You object to the Poona Pact being applied to Punjab because, in your opinion, there are no depressed classes there?—(Mr. Bhai Parmanand.) Not in the sense in which there are in most of the other Provinces.

8852. In some sense, are there or are there not? Are there depressed classes in the Punjab or are there not?—They are

not Untouchables, they are not Unapproachables. No distinction is kept, and it is in the Report of the Simon Commission and the Government of India Report also that the distinction between caste Hindus and the depressed classes does not exist in the Punjab.

8853. Might I ask you this question? How do you reconcile yourself. Your first position is that there are no depressed classes and, therefore, there should be no provision for them, and your second complaint is that certain depressed classes are not included in the scheduled list?—(Pandit Nanak Chand.) I have dealt with this point, and I will give you an explanation. As far as unapproachability and untouchability is concerned, it does not exist, or, if it exists, it is almost negligible; there is very little. This is admitted by the Government officials, by the Sikhs, by the Mahommedans and by the Hindus, but certain classes have been scheduled as depressed classes and certain others of equal status, whether economically backward or otherwise, deprived of certain rights, namely, of purchasing land, and so forth, want to be scheduled along with those others because they are on the same social status.

8854. You are very anxious that they should be included?—I am not anxious; they are anxious. I do not want anybody to be called a depressed class.

8855. I want to ask a few questions, Mr. Chatterjee, regarding Bengal. I think your main complaint is that the Bengal-Hindus were not represented when this Poona Pact was evolved—is that it?—(Mr. B. C. Chatterjee.) That is one of the complaints. My main complaint is—

8856. I will take this for the moment because I want to exhaust one at a time. I think it was admitted by your colleague that there were members of the Bengal caste Hindus present both in Bombay and in Poona?—Yes (Mr. J. Bannerjee.) At Poona one caste Hindu was present; that is what I have said.

8857. Were not there dozens from other Provinces?—(Mr. B. C. Chatterjee.) That may be.

Marquess of Zetland.] Dr. Ambedkar, could not we solve the whole of this problem if you told us the names of the Bengal caste Hindus who were there.

Dr. Ambedkar.

8858. I am giving the names. These names were given in the course of the discussion that took place in the Bengal

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Legislative Council on the 14th March, 1933?—Will you kindly give the names?

8859. There was no contradiction at all on that point?—I was in England at the time.

Dr. Ambedkar.

8860. I am quoting from the speech of Mr. Mullick who represented the depressed classes in the Bengal Legislative Council. This is what he says?—(Mr. J. Bannerjee.) He is a nominated member, not an elected representative, I want to make that point clear.

8861. He is a representative of the depressed classes?—And he has been defeated in a constituency before—twice before

8862. What difference does that make to the point I am dealing with? I am on the point whether certain Bengal Hindus were present or not. This was a statement made in the proceedings of the Bengal Legislative Council in the course of a speech by a Bengal Depressed Class Member who advocated the Poona Pact "We know that they were men like Swami Satyananda of the Hindu Mission, Babu Haridas Mazumdar, M.A., B.L., of the Amrita Samaj, Babu Pramathanath Banerjee, ex-M.L.C., of Midnapore, Babu S. C. Das Gupta of the Khadi Pratisthan, besides men like Pandit Malavya, Sir Tej Bahadur Sapru, Mr. M. R. Jayakar, Mr. Rajagopalcharia"?—Excepting one, none of them was present at Poona. That was a statement in the Council.

8863. Will you permit me to go on?—Please answer when I ask a question?—It is an incorrect statement.

8864. I say this statement has not been contradicted by anyone in the Bengal Legislative Council?—I was present on that day. No speech was delivered, but something was read from paper; and it is quite possible that people missed those bits. A paper was read very indistinctly.

Mr. M. R. Jayakar.

8865. The proceedings of your Council are published, are they not?—Yes.

8866. Since the publication of those proceedings has there been any contradiction?—Yes; immediately after the debate was held, as soon as we learnt that certain names were given out, a contradiction was made in the newspapers.

Dr. Ambedkar.

8867. I put it to you that not only were these men present at Bombay?—I am speaking of Poona

8868. I am talking first of all about Bombay. Not only were these men present at Bombay when the sub-committee was appointed, but they had conversations with me individually in my office and urged me to come to a settlement. This is a fact which I disclosed in an interview which I gave to the Bombay Times and which is published on the 17th March, soon after your legislative proceedings were announced?—The very next day I contradicted your statement and said that did not touch the point because three of those members had not, according to your own admission, gone to Poona, and were not present at the time of the Pact. (Mr. B. C. Chatterjee) I just want to say this, that it is nobody's case and I do not think it is Dr. Ambedkar's case—that these gentlemen were sent to Bombay, or a solitary gentleman who was present at Poona was sent there by the Bengali Hindus or any body of Bengali Hindus, they may have been there accidentally or may have been there because they wanted to see the Mahatma who was ill. Some actually went there for the glory of carrying his dead body in a procession.

8869. I will put it to you that if that is the case that it was well known that these men had left Calcutta for the express purpose of attending the Malavya Conference. That has been published in the "Liberty"?—They did not go there on authorisation by any public body in Bengal. They may have gone there on their own business or for some other reason. May I make an offer to Dr. Ambedkar; may I just say this: We, in Bengal, feel it a great slur that there should be a suggestion that there are depressed classes in Bengal. The Bengali Hindu have been going on doing social work for over a century now in order to remove caste barriers and things like that. I ask Dr. Ambedkar to agree to this. The Lothian Committee very fairly formulated two characteristics, two criteria, for determining who are depressed classes, untouchability and unapproachability within a certain distance. I suggest that the Bengal Government should make an enquiry into

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who are the people in Bengal who are untouchable and unapproachable, and if their number is ascertained we should be willing to give these people their proportion of representation on the Bengal Legislative Council on the basis of a joint electorate.

8870. That is another matter, I am not discussing joint electorates, I am discussing this important point of fact when it was known that certain Bengal caste Hindus were going to Bombay to attend the Malviya Conference. I am quoting to you from the "Liberty" of the 17th September, 1932; it is a paper which is published in Calcutta. I find in column 4 on page 5 of the "Liberty" of that date this report appearing under broad headlines: "Swami Satyananda and others leave for Bombay. Swami Satyananda, Sjs. Hari das Majunder and Jajneswar Mandal of the Amrita Samaj are leaving for Bombay to-night to attend the Malaviya Conference." They were not going on any of their private business?—As far as I am concerned I have never heard of the gentlemen; this is the first time I have heard of them; certainly they have been hiding their light under a bushel as far as Bengal is concerned, and these gentlemen must themselves have sent the report just to advertise that they were going.

8871. My point is that the public of Bengal was aware that certain members from the caste Hindus were proceeding from Bengal to attend the Malaviya Conference, and if the public of Bengal thought that they were not representative it was quite possible for them to send a message to Malaviya not to trust these people?—I submit it is most unfair to the public of Bengal to hold them to a paragraph that appeared casually in some column of the "Liberty."

8872. I am only stating it as a fact that everybody in Bengal ought to know?—Nobody reads the paper through like that. Nobody searches out particular columns to find out things like that. It never came to our notice.

Dr. Ambedkar.] I will not press you further on that.

Sir Austen Chamberlain

8873. Does Mr. Chatterjee mean he was unaware that such a meeting was being held in Bombay?—We were aware that a meeting was being held, but we were completely unaware that anybody was taking it upon himself to go from Bengal to that meeting.

8874. If you had these strong feelings on the subject and you were, in your opinion, the most representative body who could speak on behalf of those who held your views, why did not you send representatives when you became aware of the meeting?—We did not know what was happening there. We, in Calcutta, honestly did not know what was happening there excepting that we heard the news that Mr. Gandhi was going to fast. (Mr. J. Bannerjee) We did not attach any great importance to it. The Malaviya Conference was not going to dispose of the fate of the caste Hindus of Bengal; therefore, nobody went there in any capacity whatever. The Poona Meeting was really important.

8875. You were aware of the meeting, but you did not think it worth attending. That is the position?—I am afraid you are confusing the two meetings at Bombay and Poona. The Pact was signed at Poona and that was the important meeting to which the caste Hindus were not invited and could not go. The meeting at Bombay was a sort of preliminary canter. We were justified in not attaching much importance to it.

Mr. Zafrulla Khan.

8876. May I put this to you. I do not want to offend you in any way, Mr. Chatterjee, but it appears that, perhaps, the attitude of the Bengal caste Hindus was. "We are not concerned with this; perhaps it will come to nothing; if it helps to save the Mahatma's life, well and good, if it affects us in any way we can repudiate it afterwards"—(Mr. B. C. Chatterjee) With great respect that was not so. I had the honour to be on the Provincial Franchise Committee and had the honour to co-operate with the Lothian Committee. We went into careful investigation as to who were the Untouchables. That is the whole point for investigation.

Dr. Ambedkar.

8877. You are going away from my point. The reports of what was happening in Bombay and Poona were published regularly fully in the "Liberty" every day. Are you prepared to contradict that?—I am sorry to say I never read this issue of the "Liberty."

8878. I brought the "Liberty." I purposely did not bring the "Statesman" because I thought you would say it is an Anglo-Indian paper?—Why

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should I? I cannot imagine myself saying that.

8879 I brought it deliberately because I know it is a Hindu paper<sup>2</sup>—It is. It comes to my house. I read it occasionally

8880. I put it to you that the proceedings of the Malavya Conference held on the 20th are given one full front page in this "Liberty"?—I hear that from you.

8881. You can see it for yourself. I will pass it to you?—I accept your word for it.

8882. Similarly, what happened on the 21st is published on the front page fully in the issue of the 22nd<sup>2</sup>—I dare say.

8883. So that anybody in Bengal would really know what was happening in Bombay and Poona I will put to you one more point?—We thought that before any decision of this weighty character could ever be come to, public bodies in Bengal would be invited to send their representatives to take part in the deliberations.

8884. When the sub-committee was constituted there was no protest made against its composition that there was no representative from Bengal<sup>2</sup>—They would have no right to

8885 If you refer to the "Liberty" of the 22nd September 1932, it contains the Report of the proposals I made to this sub-committee on the basis of which I was prepared to negotiate. Mr. Jayaker will corroborate me that I did propose certain things on the basis of which I was prepared to co-operate. In my proposals I had demanded 50 seats for Bengal. (Mr. J. L. Bannerjee.) Depressed Classes you mean?

8886 I mean Depressed Classes, and yet there was not a single statement of protest from the Bengal caste Hindus either to Pundit Malavya, who was supposed to negotiate the Pact on this basis, nor did you send anybody to Poona, although you knew I had made this demand which was published, as I say, in a most prominent place in the issue of the 22nd September?—I am sorry, but I am afraid we did not attach as much importance to Dr. Ambedkar's proposals as we ought to have done

8887 I am sorry. You are to suffer for it. I just want to ask you one or two more questions about this. The announcement of His Majesty accepting the Poona Pact was made on the 26th September, 1932, in the Central Legislature

in both Houses. That announcement by His Majesty's Government was acclaimed by everybody in the Central Legislature; there was no protest made then by any member either in the Council of State or in the Legislature against the acceptance of this Pact. Is not that so?—That may be so.

Mr. M. R. Jayaker.] Bengal is represented in the Central Legislature.

Sir Hari Singh Gour.] With reference to an imputation made by Dr. Ambedkar, that when Sir Harry Haig, the Home Member, made an announcement to the Legislative Assembly there was no protest from any member, I wish to draw the attention of the Joint Committee to the fact that it is not in accordance with the practice of the Legislative Assembly when an announcement of a decision by His Majesty's Government is made for any reference or any protest to be addressed by any member of the House.

Lieut.-Colonel Sir H. Gidney.

8888 I was in the House when this statement was made by Sir Harry Haig, and it was met by universal acclamation?—(Mr. Bhai Parmanand.) I was also there, but there was no acclamation about it.

Dr. Ambedkar.] There was applause, if you will take the language of the Proceedings.

Lieut.-Colonel Sir H. Gidney.

8889 I meant applause, yes?—Some people might have done it.

Dr. Ambedkar.] The whole statement is given in the Legislative Council Proceedings for the 26th September, 1932, Volume 5, No. 5, and after the statement is concluded there is in brackets "applause". The same statement was made in the Council of State. What I want to put is this, is it not a fact that the following gentlemen represented Caste Hindus in the Legislative Assembly?—(Naming them.)

Then in the Council of State there are the following.—(Naming them)

—(Mr. B. C. Chatterjee.) My answer is that they did not realise the repercussions of the Pact and they are now unanimous in condemning it. (Mr. Bhai Parmanand.) May I explain this point.

8890 I do not know that there is any explanation needed. They are members of the Assembly and they did not protest. With regard to the protests in the Bengal Provincial Council itself after the Pact in September, 1932, there was a



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session of the Bengal Legislative Council in November, 1932?—Yes.

8891. There was no formal resolution moved in the Council protesting against the application of the Poona Pact to Bengal.—(Mr. B. C. Chatterjee.) No.

8892. I am referring to the Report of the Council Proceedings.—I must reply to this question. The first thing we did was to get together all the influential Hindu members of the Council within a short time of the Council Meeting, and we decided that we should jointly—

8893. May I have an answer to my question, and then we can have an explanation. I want to know whether there was any formal resolution moved in the Bengal Legislative Council in the November Session which met immediately after the acceptance of the Poona Pact protesting formally against it. That is what I want to know, was there a resolution?—Undoubtedly. I did put in a resolution protesting against the Poona Pact in the November Session, but I was induced to withdraw it by the joint representations of Mr. Rasik Biswas, a member of the Namasudras, an influential member, and Pandit Malavya, because both of them assured me that they would get Dr. Ambedkar to hold another meeting and revise the Poona Pact in view of the facts which were placed before them, and they repeatedly requested me not to press it to a division in the Council without giving them this chance.

8894. Was it moved?—They induced me to withdraw it and on the ground—

8895. It was not moved?—I withdrew it.

8896. It was not moved?—I say I withdrew it.

Dr. B. R. Ambedkar

8897. You had given notice of it?—I gave notice of it, and, on that representation of Mr. Rasik Biswas and Pandit Malavya, I withdrew it. I did not move it.

8898. In the March Session of 1933, the motion that was discussed was a special motion. The ordinary motion which stood in the name of Mr. Shanti Shukharswar Ray was not moved?—(Mr. Bannerjee.) It could not be reached.

8899. No priority was sought for it?—Priority was sought for it, but priority could not be obtained. There was no time to reach it. Subsequently a special resolution was moved by me.

8900. A month after that resolution was passed, in the March Session of

1933 in the Bengal Legislative Council, a public meeting was held in Calcutta in the Albert Hall, on the 21st April, 1933.

It was presided over by one Mr. Sasmal, and that meeting passed a resolution condemning the attitude of the Bengal Legislative Council in protesting against the Poona Pact?—Very possibly.

8901. The proceedings of that Committee are published in full in the "Liberty" of 22nd April, 1933. Is that a fact, or is it not?—Very possibly. I do not know myself. (Mr. Chatterjee) I was in England.

8902. You said that the Bengal Government at the time the Poona Pact was accepted was somewhere in Darjeeling, and that no Hindu was consulted. You said that in answer to Sir Nripendra Sircar?—Yes.

8903 Will you tell us what was the composition of the Bengal Executive in September, 1932. Who were its members, and what was its communal composition?—(Mr. Bannerjee.) There were three Bengali members—no, two Bengali Hindu members in the Bengal Government.

8904 Is it your suggestion that the Bengal Government which had two Bengal Caste Hindu members on it did not approve of the Poona Pact?—I have nothing to suggest about the Government, but I am quite sure that both the Hindu members of the Government had disapproved of it, and had emphatically protested against it.

8905. With respect to the Central Executive you have said one Bengal Hindu was there, Sir B. L. Mitter. Is that so?—Yes, I cannot say anything about Sir B. L. Mitter, but I would ask you to refer to the present member of the Viceroy's Executive Council.

8906 It has been suggested by Sir Nripendra Sircar in the course of his examination that the whole thing was accepted by His Majesty in a sort of emergency created by the fast of Mahatma Gandhi. What I want to put to you is this: Is it not a fact that the first letter written by Mahatma Gandhi to the Government was not dated the 18th August, but was dated the 11th March, 1932 (that letter is addressed to Sir Samuel Hoare); it is practically five months before the letter referred to by Sir Nripendra Sircar, and that is what he says. That is before the communal decision was given; that is my point. This is his statement: "Dear Sir



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Samuel, You will perhaps recollect that at the end of my speech at the Round Table Conference when the Minorities claim was presented I had said that I should resist with my life the grant of separate electorate to the depressed classes. This was not said in the heat of the moment nor by way of any rhetoric. It was meant to be a serious statement", and so on. Then he says "I therefore respectfully inform His Majesty's Government that in the event of their decision creating separate electorate for the depressed classes I must fast unto death." The threat to fast was not given in the letter of the 18th August, after the Communal Decision was given, but was given in the letter of the 11th March, 1932?—Quite true.

8907. And his Majesty's Government gave separate electorate to the depressed classes notwithstanding this threat in the letter of the 11th March?—Our complaint against the Pact is that it perpetuates that very evil of separate electorates.

8908. That is another matter. You had better say that to Mahatma Gandhi; I cannot discuss it?—The award of His Majesty's Government is much more acceptable to us than the Poona Pact.

8909. I will ask you one or two questions about that. Your complaint is that the Poona Pact gives a larger number of seats to the Depressed Classes than were given in His Majesty's Government's Award. I want to draw your attention to the letter of the Prime Minister to Mr. Gandhi dated the 8th September, 1932, and this is what he said. "The number of territorial seats allotted to Muslims is naturally conditioned by the fact that it is impossible for them to gain any further territorial seats and that in most Provinces they enjoy weightage in excess of their population ratio." I want to draw your special attention to this: "The number of special seats to be filled from special Depressed Class constituencies will be seen to be small and has been fixed, not to provide a quota numerically appropriate for the representation of the whole of the Depressed Class population, but solely to secure a minimum number of spokesmen for the Depressed Classes in the Legislature who are chosen exclusively by the Depressed Classes. The proportion of their special seats is everywhere much below the population percentage of the Depressed Classes"—Quite so, because it is ex-

pected that many of the Depressed Classes, especially in Bengal, will come in through the general constituencies.

8910. What I want to draw your attention to is this: In giving the Communal Award and apportioning seats to the Depressed Classes His Majesty's Government and the Prime Minister have definitely admitted that those seats are not in proportion to the population ratio and were much below?—Quite true, but, at the same time, the Prime Minister there distinctly makes it clear that the number allotted to the Depressed Classes is less than their numerical proportion, because he specifically mentions the case of Bengal, because in Bengal many of the Depressed Class members would be sure to come in through the general constituencies.

8911. He never mentioned anything about Bengal, I can assure you?—Most certainly he has done so; I have read the Award carefully.

8912. With regard to this, there was a session held—the seventh session of the Bengal Provincial Hindu Conference at Malda, somewhere between the 17th and 19th of September, 1932, under the presidency of Mr. Ramanand Chatterjee. Is that so?—Very possibly.

8913. In the seventh session of the Bengal Provincial Hindu Conference at Malda?—Very possibly. I do not know; I have no personal knowledge.

8914. I want to read to you a resolution that was passed at this Bengal Provincial Hindu Conference, published in "Liberty" of the 19th September, 1932: "This Conference appeals to the so-called Depressed Classes not to demand representation on the basis of separate electorates in the coming Constitution, and affirms its adherence to the Raja-Moonje Pact and its readiness to concede representation to the Depressed Classes according to their population strength through joint electorate even if it means surrender to them of the majority of seats allotted to the Hindus"—(Dr. Moonje.) May I reply to that question? The resolution was passed. We stick to it, and my friend Mr. Chatterjee has made a sporting offer to Dr. Ambedkar. Is he prepared to see what his number would be according to the population basis, the Depressed Classes being defined as untouchables and unapproachables? We are prepared to make this sporting offer to Dr. Ambedkar, and let the whole ques-

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tion be decided in Bengal and the Punjab as to what is the number of the Depressed Classes according to the definition that the Depressed Class member is one who is untouchable or unapproachable. We make the sporting offer.

Dr. B. R. Ambedkar.] I do not want to make the fate of my people the sport of party politics and I am afraid I cannot accept that offer.

Lt.-Col. Sir H. Gidney.

8915. What is the size of the membership of the Hindu Mahasabha?—The Hindu Mahasabha represents the whole Hindu community of India. That is the size. It is that size which represents the whole of the Hindus of India.

8916. What would be the rough total membership of this Hindu Mahasabha?—That membership is that membership which meets in the annual sessions, and that membership in each Province often goes to 10,000, 12,000 or 15,000. That is the membership.

8917. You mean to infer that only a few thousands of your Sabha represent the Hindu community of India?—So many thousands in each Province where the Hindu Mahasabha has been held. If Colonel Gidney wants to know if such a system as prevails in England, where there are so many registered members of certain associations, it prevails in India, where I say there is no such system prevailing in India, there is no such system even in the Congress or anywhere.

8918. Do the members pay a fee to belong to this Sabha?—Yes.

8919. You reckon your total according to those who pay the fees?—Yes, in the annual session.

8920. Can you give us the total of your membership?—I have just told you that to each meeting of the annual sessions that are held in the different Provinces, sometimes 15,000 people come, sometimes 10,000, sometimes 12,000.

8921. What position do you hold in this Sabha?—I am holding the position of the working President of the Hindu Mahasabha.

8922. Mr. Chatterjee, in a statement in an early part of your evidence you said you favoured either an alteration of the Poona Pact as far as Bengal is concerned, or you would rather have a joint electorate?—(Mr. B. C. Chatterjee.) Is this on the question of the depressed classes?

8923. Yes?—What I said, on the question of the depressed classes was this,

that the Lothian Committee, after a very patient and elaborate investigation, formulated a definition of "Depressed Classes" as implying untouchability and unapproachability within a certain distance, and I suggest that, since the actual number of our untouchables and unapproachables has not been ascertained in any one of the Provinces, this number should first be ascertained; and then those who are actually Untouchables and Unapproachables should be given a representation on the Provincial Council in the proportion that they bear to the total body of the Hindus of the Province on the basis of a joint electorate.

8924. Would I be right if I said that the Hindu community were the monied class of Bengal?—Yes. That is true up to now.

8925. Would I also be right in saying that the Hindu community occupy the highest positions in all Government and other services in Bengal?—They hold the preponderating share of the higher services.

8926. Both in official and subordinate appointments?—Yes.

8927. Would I be right in saying that the fear of the Hindu community is more one of power than of politics?—What is the distinction between the two? I have not appreciated the distinction between power and politics.

8928. I mean material power as contrasted with political ideas?—We Bengalee Hindus should be quite glad to have all our offices filled with Muhammedans if they were fully qualified for those offices.

8929. Further on in your evidence you said that if the White Paper were passed it would meet with two sections—one whom you describe as obstructionists and the other whom you said would be job-hunters?—Yes.

8930. Which section do you think the Hindus would join?—I said those are the two sections of the Hindu community who would come in—the job-hunters and the wreckers.

8931. Do you mean to say that the White Paper would only be administered by the Hindus or jointly with the Muhammedans? Do you only speak for the Hindus?—No, not at all. What I want is a joint electorate on the basis of which a man could come to the Provincial Council, be he Hindu or be he Muhammedan, and if the Muhammedans came in with a majority into the Provincial Council on the basis of a joint electorate, I should

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welcome it and I should submit to their Government with the greatest alacrity. What I object to is that the Muhammedan Community should be guaranteed a perpetual unalterable majority on the basis of a communal electorate which absolutely puts an end to responsible government.

8931A. Under the present conditions, are you aware that the Hindus in Bengal have driven out all other communities from the majority of appointments. When I say "driven out," I use the expression very widely—I mean that they occupy all the appointments, and the other communities are not given them at all?—Under the conditions of a fair field and no favour the Hindus have gradually ousted many people of other communities. Take the Calcutta Bar, for example, at one time it was dominated by the European element, at the present moment, on the footing of purely open competition, I think the Hindus now dominate it.

8932. I am not talking of professions. I am talking of such a thing as the Calcutta Corporation, such Departments as the offices of Posts and Telegraphs, and such other services where they preponderate to the loss of the Mussulmen and other minority communities?—All I ask for is a fair field and no favour, and I should welcome everybody coming in under those conditions and qualifying for the public services in any department of the Government.

8933. Would you not favour the safeguarding of those minorities?—Not by, if I may use a vulgarism, mollicoddling them. We Hindus had to come all the way to England to sit in open competition with Englishmen and sit for examinations in their own language, and we have had to compete on those terms and have got in. It would absolutely destroy the moral fibre of India if any community asked to enter the public services under conditions of artificial encouragement or culture.

8934. I am not talking about superior services. I am talking of the services that are administered by the Government

of India and Provincial Governments—of subordinate and upper subordinate grades?—I submit that the subordinate is entitled to the same standard of recognition from the public as any other

8935. Are you a Member of the Calcutta Corporation?—No.

8936. Would I be right if I said that the Calcutta Corporation is a mirror reflecting the political views of Bengal?—At the present moment, now that we have introduced a joint electorate into the Calcutta Corporation, it is so. Now that we have introduced the principle of joint electorates into the Calcutta Corporation, it is a mirror.

8937. And that would be supported by the fact that at the last election of the Mayor and Aldermen of the Calcutta Corporation a majority of the Swarajists got into power. Is that right?—Yes. I dare say the majority were Swarajists.

8938. Are you aware of the resolution which was passed by the Calcutta Corporation who killed an I.C.S. judge?—I am not aware of any such resolution not aware of any such resolution.

8939. Do you not know of a resolution that was passed by the Calcutta Corporation which was also published in their Gazette?—Praising the assassin of a judge? I do not know of any such resolution.

8940. The assassination of an official?—I have no knowledge of it.

8941. You do not know of it?—No; I do not think the Corporation could have done such a thing.

8942. It was mentioned to this Committee that that resolution was passed, and it was read out to this Committee?—Kindly give me the particulars.

8943. I do not know the name of the man who was killed or the assassin, but I think Members of the Committee will remember Mr. Page reading it. I think it was Judge Garlick?—I do not know of any public body in Bengal which passed a resolution praising the man who killed Mr. Garlick, because he was the one man who was held in the highest estimation by all Swarajists and non-Swarajists.

(After a short adjournment.)

Mr. M. R. Jayaker

8944. I want just to ask a few questions in connection with the suggestions you have made for improving the White Paper from your point of view. The Hindu Mahasabha is not purely a re-

ligious association but it also takes political work in hand?—(Dr. Moonje.) Yes.

8945. Is it the fact you have branches all over the principal Provinces?—All over the Provinces.

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8946. You have no regular membership?  
—There is no custom in India of having regular membership.

8947. May I take it that what you put by way of suggestion for improving the White Paper from your point of view has the support of all those provincial organisations?—Yes.

8948. I will put you some questions which are more general than particular now. If any of those improvements were granted are you in a position to state that you will be able to form a political Party in India to work the Constitution?—Of course.

8949. Not in the sense of breaking it but in the sense of working the Constitution?—If my conditions were incorporated in the Constitution it is impossible for me to break it. I will work it out and I will keep on working it out.

8950. Will you be able to form a big Party in India to work it?—Yes, I am quite sure.

8951. Your answer does not depend on the attitude of the Congress. Whatever the Congress may do or may not do, you think you have enough support in the country to form a big Party to work the Constitution?—I think my past experience gives me confidence that I shall be able to form a big Party to work it.

8952. And enter the Ministry and work the administration through the Ministries?—That is quite right.

8953. What is your own belief—what is your own expectation? If these improvements are made in the White Paper do you think you would be able to draw into working the Constitution a substantial section of Congressmen?—I think so—a large section of Congressmen will come in.

8954. Would you give me more definitely what percentage of Congressmen would come in?—Well, I think the 5 or 10 per cent. of people who have got religious faith in what is called non-co-operation may be out, but those who take the political view will be all in this Party to work out the Constitution if our improvements which I have insisted on in my statement are carried out.

8955. I am asking this question because there is a section of people in this country who believe that there is no use launching a Constitution of this character for India because the only political Party in India, namely, Congress,

will not work it and there will be no other Party formed in the country to work the Constitution. Therefore I am asking you, can you assure the Committee that you are in a position to “deliver the goods,” to use an expression which is very often current in this country?—The Congress itself is in a non-co-operation mood simply because Congress has not yet been assured that there is going to be self-government and Dominion status. If these improvements are carried out, the people of India and even Congress will see a very great step has been taken towards self-government and Dominion status, and I am positive a large percentage of Congressmen also will feel that the Constitution should be worked.

8956. I think that is perfectly true. I have got that answer, but I am leaving Congress out for the moment, and I am asking you, outside of Congress, do you think you can get enough support to form a big Party to work this Constitution?—I am quite confident of that.

8957. I want to ask you another point about the Rawlinson Committee's Report to which you have made reference. Is not it the fact that copies of this Report were distributed to the members of the Defence Committee at the first Round Table Conference?—So far as I know copies were not distributed but—it will be on the record—if I remember aright at this moment, it was said that copies of this Report would be supplied to the members. That is my recollection at the present moment.

8958. But the main incidents of this Report, if I might just recall this to your mind, formed a subject matter of discussion before the Defence Committee of the Round Table Conference?—On the contents of that Report—assuming my recollection to be correct—the whole discussion was upon that.

8959. It was not then treated as confidential?—No, we did not think of it as that.

Mr. R. A. Butler

8960. There is some confusion about this particular Report. This particular Report was never supplied to the Defence Committee?—I have said these Reports were not supplied to us at the first Round Table Conference, but the information was given to us that there would be no objection in supplying these Reports to the members if and when required. I

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think this will be borne out by the Report of the first Round Table Conference.

Mr. M. R. Jayaker.

8961. Is it your recollection that summaries of the contents of those Reports were supplied to the members?—That is so.

8962. Am I not right in my recollection of that?—I think you are right.

Mr. Isaac Foot.

8963. My recollection is that a request was made for it when Mr. Thomas was in the Chair, and Mr. Thomas promised that it should be made available. My recollection, however, does not go beyond that—I think the matter was discussed in that way.

Mr. M. R. Jayaker.

8964. My recollection goes a little beyond that. I think summaries of that Report and of another Report of 1922 were given overnight—I may be wrong but that is my recollection?—Summaries of some Report were given—there is no question about that fact—so far as I remember, but I cannot at the present moment remember that the summary was given us of this particular Rawlinson Report. The whole discussion in the Defence Sub-Committee was based upon the contents of this Report.

Chairman.] I want to be perfectly clear about this. These summaries were not published?

Mr. M. R. Jayaker.] They were not published. They were supplied, if my recollection is right. The point was raised by Sir Tej Bahadur Sapru and Sir Mahomed Shafi.

Mr. R. A. Butler.] These summaries formed part of Appendix VII.

Chairman.] Were they published as such?

Mr. R. A. Butler.

8965. Yes?—I think they are published in the Report, if I remember aright.

Mr. M. R. Jayaker.] I do not think they are here.

Mr. R. A. Butler.] These are in an abbreviated form. They are not in this edition. This is naturally an abbreviated volume which does not contain all the proceedings of the Round Table Conference.

Chairman.] What are you referring to?

Mr. R. A. Butler.] This is one of the Blue Books published in connection with the Round Table Conference.

Chairman.] Thank you.

Mr. M. R. Jayaker.

8966. Have you seen, at all events, the Report that was referred to by Sir Tej Bahadur Sapru?—That was when we first heard of it—for the first time when it was raised by Sir Tej Bahadur Sapru and Sir Mahomed Shafi.

8967. It was then pointed out, in any event, in 1921 a person of such military experience as Commander-in-Chief, Lord Rawlinson, thought it was feasible and consistent with the safety and tranquillity of India to furnish a scheme which would mean the Indianisation of the Indian Army within thirty years?—Yes.

8968. That is the only point you wish to make in your memorandum?—Quite so.

8969. You have no desire to disclose any particular confidential information but merely this fact?—Yes.

8970. Namely, that this high military authority thought it was feasible in 1921 and consistent with the safety and tranquillity of India that the Indian Army could be Indianised within thirty years. Is that what you wish to bring out?—That is exactly my point. I am not concerned with the Committee as such but I am concerned with the fact that the Committee came to the conclusion that the Indianisation of the Army would be feasible in thirty years.

8971. You are using it as an argument in favour of the feasibility of that proposal?—Yes, I must.

8972. It was based on feasibility?—I assume it must have been.

8973. That would be the main consideration before the mind of a functionary like the Commander-in-Chief in India?—If it was a thing which could not be regarded as safe for India, I do not think a high military authority like Lord Rawlinson, Commander-in-Chief, would ever give out such a scheme of Indianisation as he has done.

8974. May I ask your attention to the Report of the Defence Committee of the first Round Table Conference, of which you were a member. In that Report in paragraph 3, towards the bottom of the paragraph, reference is made to this Rawlinson Committee's Report, and I just want to read one short sentence to you. After stating the different views

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as to whether the Indian Army could be Indianised, this is what the Report says: "The difference in these two views being fundamental, the Sub-Committee decided to incorporate these in its Report, and the Chairman further undertook that, when, in pursuance of the resolution of this sub-Committee, Expert Committees were appointed, those Expert Committees would as a matter of course take into consideration the proceedings of the previous Committees and in particular the proceedings of the Military Requirements Committee of 1921"—that is the Rawlinson Committee—"and the Committee on the Indianisation of the Indian Army of 1922." You were a member of the Committee which was appointed, and, in pursuance of the express wish of the Committee, and in the course of that Committee's deliberations, I understand you were supplied with a copy of this Rawlinson Committee's Report. Am I right in that?—Quite so.

8975. May I just ask you, Pandit, a question or two on your memorandum, beginning at page 6, where you object to the latter part of paragraph 122 of the White Paper?—(Pandit Nanak Chand.) Yes, that is quite right.

8976. Which is the part to which you object?—It is the part which begins: "But no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with exceptions the sale or mortgage of agricultural land", and so on.

8977. I follow that?—It is from there up to the end of the paragraph.

8978. You object to it because you think that it will make possible the enactment of Acts like the Punjab Land Alienation Act?—More than that—that and something else. If you permit me, I will explain my objection. This paragraph 122 is really meant for the protection of minorities, and it is against discriminatory legislation in the first part, but the latter portion which begins with the words "or any part thereof" permits discriminatory legislation of all kinds. It practically nullifies what is said in the first part of this paragraph 122. I will give an illustration: "But no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with exceptions the sale or mortgage of agricultural land in any area to any person

not belonging to some class recognised as being a class of persons engaged in, or connected with, agriculture in that area." Supposing in the United Provinces—I leave out the Punjab for the moment because it is the hotbed of the Punjab Land Alienation Act—the majority declared that the Anglo-Indians are a community which are unconnected with agriculture and therefore they should not be permitted to purchase agricultural land or to mortgage agricultural land, then those people, the Anglo-Indians, would probably be driven out slowly and slowly and would not be permitted to buy agricultural land in that Province, or for the matter of that in any other Province, if such laws were passed. So in the same way the Depressed Classes, the Indian Christians, or any caste for the matter of that, could be interdicted from purchasing agricultural land, which really forms the main strength of people's maintenance in an agricultural land like India. So it is not a protection at all to the minorities. The object of this is merely to protect the discriminatory character of the Punjab Land Alienation Act, but I entirely fail to understand (and I wish some member of the Committee would explain it to me) why the second clause was put in just after this recognising "the existence of some right, privilege or disability attaching to the members of a community by virtue of some privilege, law or custom having the force of law." Does it mean that all these disabilities which exist at the present time can be extended, or that the privileges which certain people enjoy can be retained or extended merely on the ground that they have existed in the past? I therefore feel the effect of this clause, which was really the result of a desire to protect minorities, whether those minorities were Hindu, Muslim, Christian or Sikh, is to place in the hands of the majority, whether of religion, caste or race, such oppressive powers that it would be open to the Legislature to pass discriminatory legislation of all kinds.

Sir Hari Singh Gour.] Is not it the fact that this goes too far, "or recognises the existence of some right, privilege or disability attaching to the members of a community by virtue of some privilege, law or custom having the force of law"? That would exclude, for example, any legislation prohibiting

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polygamy, because polygamy is a custom protected by law of a particular class of the community.

Mr. Zafrulla Khan ] By personal law.

Sir Hari Singh Gour.

8979 By personal law. It will prevent all future legislation giving women a right to inheritance in their husbands' property, because it will be a sexual disability to which women are subject by law or custom having the force of law. would not it have that effect?—Quite so. That is why I said I should like to know what is meant by this. The first portion I understand is meant for the protection or saving of the discriminatory character of the Punjab Land Alienation Act. With regard to the second part, I do not know what the draughtsman had in mind when he put in these words. I do not know what his intention was, but the result to an ordinary lawyer would be that any kind of custom or privilege which would be discriminatory in character could be not only maintained but extended. I go further. Under his special responsibility, the Governor would not be able to apply the Act for the protection of a minority. Supposing the Punjab Legislative Council passed an Act that such and such people are not to be permitted to purchase land, and the Governor came along and said: "You cannot pass such laws, because this is against a minority," the reply would be, "There is a new Constitution giving us this power. You are debarred from questioning the power of the Legislature to pass a law of this kind." Therefore, the special responsibility of the Governor would be a dead letter. Then again I go further. In the Punjab a custom has arisen by which posts are given on the basis of agricultural and non-agricultural tribal rights. It has been recognised by the Punjab Government that people are entitled to get posts in the State as the result of their being members of agricultural communities. I will put in, with your permission, my Lord Chairman, an annual statement which is prepared by the Punjab Government which would show that these posts are given to agricultural tribes and non-agricultural tribes, taking into consideration their caste or tribe. Such a thing is unheard of in other provinces or places—the Punjab Land Alienation Act was not meant for purposes of this kind even in the Punjab.

Chairman.

8980. Would it satisfy you if I have it made available to the Committee and do not publish it on the Notes?—That would serve my purpose quite well. (*Document handed in*) The position is this. Not only is that printed and published by the Punjab Government but resolutions have been moved in the Punjab Legislative Council asking for the distribution of posts on the basis of agricultural and non-agricultural tribes, and a sort of custom has grown up that such posts are to be given to members of the agricultural tribes, and admissions to the schools and colleges are regulated on a basis of this kind. There is one incident which I cannot but bring to the notice of this august Assembly, which is of very great importance, which happened only recently. No doubt you have heard of the Hydro-Electric Scheme which is now about to work in the Punjab. A member of the agricultural tribe moved a resolution in the Punjab Legislative Council that agriculturalists should be given electricity at a concession rate. That was moved by a Sikh gentleman. The Punjab Government resisted that with all its might. They said. This is a commercial department and we cannot possibly give concessions but everybody must pay the price for the electricity who wants to get it; and the resolution was carried by the casting vote of the President. If you study the Punjab Legislative Council debates you will find that privileges of all sorts and kinds are demanded on the basis of caste and religion.

Mr. M. R. Jayaker.

8981. We have gone a great deal beyond my question. My question only related to legislation because paragraph 122 relates to legislation. It does not speak of resolutions or departmental matters or administrative orders. Therefore, I wanted to ask you whether, in objecting to that part of paragraph 122, you had in view legislation like the Punjab Land Alienation Act?—Quite so.

8982. Would you just explain to the Committee what it is you object to about the Punjab Land Alienation Act? You speak of it but you give us no idea of what is the objectionable feature to you of that Act?—I will just explain that. In 1900 the Punjab Land Alienation Act was passed—



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8983. I do not want you to go into the whole context of the Act but will you give us the features which you regard as objectionable?—Section 3 of the Punjab Land Alienation Act defines agriculturists on the basis of tribes, that is to say, a person is an agriculturalist not because he pursues the profession of agriculture but because he belongs to a notified agricultural tribe, which, in other words, is a definition based on birth. In the Punjab the population is thus cut up into two classes, agricultural tribes and non-agricultural tribes. The agricultural tribes are a little less than 50 per cent and the non-agricultural tribes are a little above 51 per cent. This is a feature of the Punjab Land Alienation Act which is discriminatory in character on the ground of birth. I object very strongly to that because many inequalities and injustices have sprung up on account of this qualification. I want this discriminatory character of that Act to be removed and an occupational definition of agriculturists to be put in.

8984. Supposing the definition was based upon occupation and not upon caste and birth, your objection to the Punjab Land Alienation Act would be removed?—Entirely.

8985. Then, on page 20, towards the end of your Memorandum, you speak about the High Courts being centralised. You draw the attention of the Committee to certain reports like the Statutory Commission Report, the Nehru Committee Report, and the Third Round Table Conference proceedings with a reference to the memorandum prepared by Sir Maurice Gwyer and Sir Claud Schuster. Will you just tell the Committee what the Nehru Report is?—It is a report of an All-Parties Conference which took place in 1928 and drew up a constitution for India.

8986. It is a report of a Conference of all political parties in India?—Of all political parties in India—the Congress, the Hindus, the Muslims and the Moderates—every one of the parties.

8987. They recommended what?—They recommended that it should be a central subject.

8988. In the next paragraph you refer to some experience of your own, or at least I assume so. Is it your own experience that you are stating in the next paragraph?—Yes, I have seen in the Punjab Council efforts made to bring the

High Court into discussion and debate. Most of those resolutions were disallowed on certain technical grounds, but somehow or other on indirect resolutions regarding the stenographers, or something of that kind, the High Court has been brought into discussion and debate. If provincial autonomy is granted and the High Court is made a provincial subject I am afraid that the integrity and independence of the High Court is bound to be affected. I draw the attention of the Committee to the White Paper where it deals with certain matters of this kind; for instance, in List 3 (Concurrent): "Jurisdiction, powers and authority of all Courts (except the Federal Court, the Supreme Court and Rent and Revenue Courts) with respect to the subjects in this List. Civil Procedure, including the Law of Limitation and all matters now covered by the Indian Code of Civil Procedure." A communal majority can always restrict the right of appeal in certain matters, for example, suits concerning money lenders, and so on, and in civil procedure on such matters as the Law of Limitation. Limitation can be cut down if the communal majority find that the minority misbehaves. Such a thing has been done in the Punjab Legislative Council. Similarly, the maintenance of all Courts is made a provincial subject under List 2 (Exclusively Provincial), Clause 28. "Administration of justice, including the constitution and organisation of all Courts within the Province," etc., "and the maintenance of all Courts within the Province." Sometimes you find people who had hoped to get judgeships in the High Court trying to ridicule the Court by means of the Legislative Council. If the High Court required so many stenographers, for instance, it will be open to the Legislative Council to throw out those demands.

8989. This is the sentence in your Memorandum to which I wish to draw attention. "A common method adopted by some members of the Punjab Council is to propose cuts in the expenditure of the High Courts and then bring High Court matters into debate and discussion"—Yes.

8990. Do those matters relate to the way the High Court dispenses justice?—No, that they cannot do.

8991. What are these matters?—The appointments in the administrative staff of the High Court.



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8992. But what are they—is it the appointment of the judges?—The appointment of the judges cannot be discussed.

8993. What is it that is discussed that you refer to here?—Questions with regard to the staff of the High Court—that so many people should be taken on on the grounds of caste and religion in the High Court and the High Court is not doing justice in that respect.

8994. How is that discussion likely to interfere with the independence of the High Court?—Supposing the High Court does not want a particular man and somebody is pressing the claims of that particular man, but the High Court only wants a man on merit, then the Legislative Council at the instance of a dissatisfied member of the Council may refuse the grant and thus bring the integrity and independence of the High Court under its own power.

8995. How is this evil likely to be removed by making the High Court a matter for the Central Government?—Because the Central Government is removed from the provincial atmosphere, and it is very difficult for a man to influence a Central Government in the same manner as in the provinces.

Mr. R. A. Butler

8996. I think the Pandit will have observed from section 98 that the expenses of the High Court are not votable?—I take it that is the salary of the High Court Judges.

Mr. R. A. Butler.] If you read the subsection you will see that it is a wide application. I am referring to paragraph 9, sub-section (iii), on page 63 of the White Paper, but I do not think it is necessary for me to read it all out.

Mr. Zafrulla Khan.

8997. "The salaries and pensions—including pensions payable to their dependants—of Judges of the High Court or Chief Court or Judicial Commissioners; and expenditure certified by the Governor, after consultation with his Ministers as required for the expenses of those Courts"?—"After consultation with his Ministers"—I would object to that as there is bound to be a conflict between the Ministers and the High Court. That is exactly my position.

Sir Hari Singh Gour.

8998. But it is "after consultation with his Ministers," not "on the advice of the Ministers." There is a difference be-

tween "after consultation with his Ministers" and "on the advice of his Ministers"?—Where are you reading from?

Mr. R. A. Butler.

8999. It is on page 63, paragraph 9, sub-section (iii)?—Yes, I see the passage. But may I point out the Governor cannot always defy his Ministers. That is exactly the position.

Mr. R. A. Butler.] I think the Pandit will realise that the term "after consultation with his Ministers" has a different meaning from the term "on the advice of his Ministers." These are terms that we are using in our constitutional discussions—they are different in their meaning.

Mr. M. R. Jayaker.

9000. Supposing the provincial Government wanted to retain control of the appointments relating to the lower judiciary but agreed to transfer the High Court to the control of the Central Government, would you agree to that?—What is happening now is this—

9001. Have you understood my question?—I think so, but perhaps you would repeat it.

9002. Supposing the High Court were transferred to the Central Government control and the appointments to the lower judiciary were made by the provincial Government, would you agree to that proposal?—It would be a better proposal than the present one, but it would not be an ideal one.

9003. I know that, but would you agree to that proposal?—There is no question of my agreement. I would prefer it to this.

9004. Would it find favour with the Hindu Mahasabha for whom you are speaking?—I am not speaking as for the Hindu Mahasabha—I am only speaking now as a citizen of the State.

9005. Would that class of opinion that you claim to represent here be satisfied with that proposal which I have just suggested?—It would be more satisfied no doubt. I consider it would be better satisfied with that than with the existing recommendation, but the best thing would be to fill up these appointments to the judiciary purely on the basis of merit, which is not the case under the circular of the Punjab Government, where posts are filled on the basis of communalism.

9006. Do you suggest that the big positions like the positions of High Court Judges are filled on communal

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grounds?—Well, it is the experience in the Punjab that these posts are given on the basis of communalism. I have said so in my Memorandum.

9007. Never mind about that. Are the people who are appointed to be High Court Judges appointed because they belong to a particular caste or class?—I do not know whether I shall be open to be attacked for contempt of Court, but I will take the risk, and I am bound to say that is so.

Sir Hari Singh Gour.

9008. May I put to you a few questions on the Poona Pact. The Poona Pact was promoted by the single desire of Mahatma Gandhi and his friends to substitute joint electorates for separate electorates—(Dr. Moonje.) Yes.

9009. Having considered at leisure what you said in a hurry, do you think that you have achieved the purpose of ensuring joint electorates in accordance with the terms of the Poona Pact?—No.

9010. Has the mischief which you wanted to guard against of separate electorates still endured—is that so or is it not so?—It is perpetuated.

9011. Therefore all concerned entered into this Pact on the mutual mistake that they were contracting for joint electorates but in the result they have found they have contracted for the very thing that they wished to avoid?—I could not say it went to that extent because the people concerned were very intelligent people. I can only say this much. We were under the threat of the loss of Mahatma Gandhi's life and all considerations at that time were put aside except that Mahatma Gandhi's life should be saved.

Mr. Zafrulla Khan.

9012. Having saved his life you want to go back now on the Pact?—No. May I reply to that question. The question of the Poona Pact was re-opened only because Sir Rabindranath Tagore went to Mahatma Gandhi and wanted to re-open the question and he said "Let it be re-opened".

9013. Was not it re-opened by you?—No, it was re-opened by Dr. Ambedkar himself.

Sir Hari Singh Gour.] Is there anything immoral or unconstitutional where all parties to a contract make the contract under a common mistake which they afterwards discover in them asking

for that contract to be amended or re-opened?

Mr. Zafrulla Khan.] Is that a question you need ask the witness?

Sir Hari Singh Gour.] You said I put a question about the Poona Pact being made in view of the position of Mahatma Gandhi and the desire to save his life, and you remarked now that his life is saved you want to re-open the Poona Pact. Therefore, I think I am entitled to ask the witness that question.

Mr. Zafrulla Khan.] The witness said "no" and I am satisfied with that.

Sir Hari Singh Gour.] He did not say "no".

Mr. Zafrulla Khan

9014. He said he did not want to go to that extent.—I said the Poona Pact was re-opened for a reason. The initiative for re-opening was taken by Sir Rabindranath Tagore and it was felt it should be re-opened it should be re-opened completely.

Mr. Zafrulla Khan.] I quite follow that.

Sir Hari Singh Gour.

9015. Three objections have been taken with reference to the position of Bengal in this matter. One is that while a large number of telegrams were sent supporting the Poona Pact to save the life of Mahatma Gandhi, none of the Bengal representatives and indeed no accredited representative from that Province, sent any telegram or message that the Poona Pact was unfavourable to Bengal.—(Mr. Bannerjee.) Telegrams sent to whom?

9016. To the authorities—either the Government of India or the Secretary of State or the Prime Minister.—(Mr. R. C. Chatterjee.) The position was this. The members of the Legislative Council did record their protest publicly in the newspapers, and they took it for granted that the Government would take notice of this protest. They felt, however, that the Poona Pact having been concluded under the authority of Mr. Gandhi, and having had the blessing of the Government in India within twenty-four hours, it was a very difficult matter to interfere in individually. They thought it would be better for the members of the Legislative Council to wait and to meet together and to dismiss the matter, which they did, and they formulated a joint protest and sent it forward to the Government. But the members of the Legislative Council could

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not meet together until the Legislative Council sat in November. As soon as the Legislative Council sat in November we met together, deliberated on the matter, formulated our protest and cabled the same to Sir N. N. Sircar with the request that he would put it to the Prime Minister. That was within a few days of the meeting of the Legislative Council in November.

9017 For how many days had the Poona Pact been under discussion in public?—Well, it began with the letter of Mr. J. L. Bannerjee?—(Mr. J. L. Bannerjee.) No, the point to remember that it was only discussed from the 30th to the 4th.

9018. Do you think you could ascertain the wishes of 50 millions of the people of Bengal with a period of four days?—No.

Sir *Hari Singh Gour*.] It has been said that Sir Rabindranath Tagore sent a telegram which was handed in by Sir N. N. Sircar. I should like that to be shown to the witness.

*Chairman*. Will you put your question?

Sir *Hari Singh Gour*.

9019. Is Sir Rabindranath Tagore a leader of any political party in Bengal?—(Mr. J. L. Bannerjee.) No, he is not a leader of any political party in Bengal. He was not a party to the Pact and when he sent his telegram to the Prime Minister he did not even, on his own admission, know the contents of the Pact. That telegram which was handed in to the Chairman was published one month before the Pact was signed in a magazine which is the mouthpiece of Sir Rabindranath Tagore.

9020. Is he a Brahmin?—He is a Brahmin.

9021. Is it the fact that Sir Rabindranath Tagore is not connected with any political organisation in Bengal?—No, he is not, he has emphatically declared again and again that he does not wish to be connected with any political organisation.

9022. Now it has been said that the first protest that came from Bengal after the decision of His Majesty's Government was after three months?—That is so.

9023. What is your reply to it?—The protest was made within a week after the Poona Pact was concluded, but I do not know whether any protest was

forwarded to the Prime Minister or to His Majesty's Government here. (Mr. Chatterjee.) The protest was not forwarded until the Members of the Council all met and then acted together. (Mr. Bannerjee.) That was within less than two months.

9024. A question was put to you by one of our colleagues that in the Calcutta Corporation, where you have substituted joint electorates, the Swarajist element has a predominating majority?—Yes.

9025. Does the Swarajist majority in the Calcutta Corporation reflect the views of the taxpayers of Calcutta?—(Mr. Chatterjee.) Since they are in a majority, they can legitimately claim to represent their views.

9026. Would you regard the Swarajists as political outlaws?—Certainly not.

9027. Will you not give them the same chance as the other taxpayers to influence the decision of the Corporation by securing a majority if they can?—Certainly.

9028. And give yourself the right of turning them out, if you can?—(Mr. Bannerjee.) I may say that the Swarajists secured their election to the Calcutta Corporation, not upon any political ticket, but upon the record of their achievements in the municipal sphere.

9029. Can you contemplate any Constitution which is intended to keep out any section of political opinion from the working of that Constitution, and do you think that would be conducive to the peace and content of the country?—Certainly not.

9030. Now I will ask one question of Pandit Chand. You have said in your Memorandum, and you have repeated it just now, that the effect of Clause 122 is to stereotype the distinction between agricultural tribes and non-agricultural tribes in your Province?—(Pandit Nanak Chand.) Yes.

9031. Do I take it that under the law to which you object, a member of an agricultural tribe, if he takes to service or trade, and a member of a non-agricultural tribe, if he exclusively takes to agriculture for his living, still remains a member of an agriculturist or non-agriculturist tribe, according to his caste, irrespective of what his occupation and profession may be?—That is so.

9032. Then it is an artificial division, partition of the country into agricultural and non-agricultural tribes, based

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upon caste, which you object to. Is that so?—Yes.

Mr. Butler.] I think, my Lord Chairman, it would not be quite correct to say that the Act is based upon caste alone?—It is based upon caste.

9033. If I may quote, I think it is based more upon tribe, and not on the caste?—Caste and tribe mean the whole thing.

9034. I shall use these words: The object of the Act was to "maintain the old framework of society and keep the land in the hands of the tribes we found in possession of it," and so the word "caste" would be an inaccurate description in the Act?—Caste and tribe mean the same thing

Mr. Zafrulla Khan.

9035. May I put one question to Pandit Chand Is it or is it not a fact that Brahmins would be a caste in the Punjab?—Yes.

9036. Is it, or is it not, a fact that Brahmins in some districts are scheduled as agricultural tribes and in certain other districts not so?—In some districts they are scheduled as "B" class agriculturists, which is a worse thing than non-agriculturists, and in others not at all.

9037. Is it, or is it not a fact, for instance, that Syeds are scheduled as agriculturists in some districts and not in others?—73 per cent. are agriculturists, and they are described as agriculturist tribes, while Brahmins are 69 per cent. agriculturists and are not described as agriculturists.

9038. I am raising the point that there are several castes which in some districts are scheduled as agriculturists and in others they are not?—Quite right, that is true. The distinction is based on birth.

Mr. M. R. Jayaker.

9039. What happens in the case of a person belonging to that tribe which is scheduled, but who is not, in fact, an agriculturist? Does he get the benefit of the Punjab Land Alienation Act or not?—Yes. certainly.

9040. He gets the benefit, although he does not pursue the occupation of an agriculturist?—Perfectly right. I will give you an instance. Supposing a piece of land is sold by a member of an agricultural tribe, and it is offered for sale in the market, my friend Chandri Zafrulla Khan would be entitled to purchase it, and I should not be, though

we are both pursuing the same profession of law.

Mr. Zafrulla Khan.

9041. I would not be entitled to purchase unless the seller was a member of the agriculturist tribe, and I happened to be a resident in the district in which the land was situated?—Certainly. The illustration I am giving is this. My friend, Chandri Zafrulla Khan, lives in Lahore, so do I. The seller, let us say, Sardar Buta Singh, lives in Lahore. He is a lawyer by profession. He sells his land. I shall not be able to purchase it, neither will Chandri Zafrulla Khan be able to purchase it, because Chandri's caste or tribe is Jat, mine is Brahmin. Profession does not matter.

Sir Hari Singh Gour.

9042. I take it that what you object to in Clause 122 is that the check, the future Constitution, seeks to place on the power of the Legislature is by saying that the Federal and Provincial Legislatures would have no power to make laws. Is that so?—You mean the first part?

9043. Yes?—The first part restricts the passing of legislation which is discriminatory, and prohibits, if a law is passed, discriminating—

9043a. I am not dealing with that point. The question I put to you was what you object to is the check that the British Parliamentary enactment is likely to place upon the power of the Indian Legislatures in matters dealt with in Clause 122?—Please let me explain myself. All the minorities wanted the first part of the clause—that is to say, a prohibition by the Constitution against discriminatory legislation. That we wanted, every minority wanted that, as I have said in my Memorandum, but we did not want the various exceptions or provisos at the end of Clause 122.

9044. You accept the principle of Article 122, but you think it is too wide?—The principle of Article 122 is correct. It should prohibit discriminatory legislation on the basis of one's religion, descent, caste, colour, or place of birth; but the effect of the provisos is not only to nullify what is stated in Article 122, but to give vast power of oppression to the majorities, and to enable them to pass discriminatory legislation.

9045. One last question I wish to put to Dr. Moonje You have said that you

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represent the Hindu Mahasabha. Do I understand that the Hindu Mahasabha is the only organised body of Hindu opinion in India?—(Dr. Moonje.) That is the only organised body next to the Congress in India.

9046. The Congress is a non-communal body. The Hindu Mahasabha is a communal body, and it has at its becking the bulk of Hindu society in India?—The Hindu Mahasabha is a communal body in so far as it is composed only of Hindus. The Hindu Mahasabha is essentially a national body, so far as the political principles which it preaches and insists on for the Constitution of India are concerned, the entire Hindu community is at the back of the Hindu Mahasabha.

*Chairman.*

9047. I just want to be certain that I understood an answer of yours this morning. Do I understand that the membership of the Hindu Mahasabha is not scheduled—that you have no list of members, and that there is no subscription?—No, there is a subscription. Without subscriptions, nobody can be a member of the Hindu Mahasabha sessions, but what I said was that in India there is no custom, up to now, as it is the custom in England, that the organisation keeps a regular register of all the members.

9048. No register of members is kept?—A list of the members and a list of the entire body of the Hindu Mahasabha is not kept, nor of any of the other Associations.

9049. But local headquarters do keep their list of members?—Yes.

*Sir Phiroze Sethna.*

9050. What is the subscription?—Five annas.

9051. One anna more than the Congress?—Yes.

*Sir A. P. Patro.*

9052. When, is it paid?—It is paid every year to the Association of which he is a member. If he is a member of a Provincial Association, it is paid to that Association; if he is a member of the All-India Mahasabha, he pays it.

9053. Are there any Constitutional rules?—Yes.

*Sir Phiroze Sethna.*

9054. But he only pays, if he attends the Annual Meetings?—No, he pays the subscription annually whether he attends or does not attend.

*Sir Phiroze Sethna.*] Then you ought to have a list.

*Sir A. P. Patro.*

9055. May we have your Constitutional Rules?—I shall file them.

*Sir Abdur Rahim.*

9056. Dr. Moonje, may I draw your attention to the pamphlet, No. 57, wherein you say: "Hindusthan, the land of Hindus"?—Yes.

9057. By Hindusthan, you mean India?—I have used the Indian word for India.

9058. Does the "land of the Hindus" include the 77,000,000 Muslims?—I have already said that the Hindu Mahasabha is a national body in its politics and it means the land where the Hindus live, whether by religion they are Hindus or Christians.

9059. Therefore, the word "Hindus," there, covers Muslims?—Yes. Outside India, Muslims are known as Hindus. If you like, I can explain my point a little further.

9060. I simply did not understand what you meant. If you look at your sentence, it says Hindus and Sikhs. Hindus there, includes Mussulmans? "It is the Hindus and Sikhs of the Province who in their kinship with the Hindus and Sikhs of this vast country, called the Hindusthan, the land of the Hindus, are the real and most reliable gate-keepers of India"?—Yes.

9061. So, in that sentence, by "the land of the Hindus," you meant Hindus and not Mussulmans. That is not your meaning?—No. I have already explained this in my speeches before the meetings of the minority Sub-Committee of the Round Table Conference.

9062. I feel reassured about that. I do not want to discuss in any way the subject of the Communal Award, because I have already made a statement regarding it, but what I want you to consider, Dr. Moonje, is this: The composition of the Assembly is given at page 93 of the White Paper. I am sure you have considered the effect of that over the whole of India. If you have done that, you will find, on taking the special constituencies into consideration, that in the United Provinces the Hindus will have, say, 68 per cent. of the seats; in Bihar, 63 per cent.; in the Central Provinces, 85 per cent.; in Orissa, 90 per cent.; in Bombay, 75 per cent., and in Assam 53 per cent.?—Yes.

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Sir *Abdur Rahim*.] I think you will find that a very reasonable estimate of the Hindu seats in all these Provinces. I want to know. Is not that so?—That is not my point. My complaint has been that where the Hindu forms the majority, his seats have been curtailed, have been brought down to a statutory minority. Where the Hindu forms the minority, even his representation (no weightage has been given to him) is brought down below what he is entitled to on his population ratio.

Sir *Abdur Rahim*.

9064. Do you agree, that these figures I am giving to you are correct?—They may be correct, I do not know, I cannot say.

9065. Then it is only in the North-West Frontier Province that the Mussulmans will be 76 per cent.; in Sind, 63 per cent., those are the two Provinces in which the Mussulmans will have a clear communal majority?—Yes.

9066. In the Punjab the Mussulmans, according to this Table, will, as I calculate, be about 51.8 per cent., and in Bengal, 50 per cent., according to the calculation made by Mr. Chatterjee, himself. Would he agree to those figures?—(Mr. Chatterjee.) No. I have not quite understood Sir *Abdur Rahim*'s figures.

9067. Not the Hindus—Mussulmans in Bengal. You said 125 out of 250?—Yes.

9068. That is 50 per cent.?—50 per cent., but not as against the Hindus—as against the Hindus and Christians.

9069. The total seats?—Yes, and Europeans.

9070. What I meant to say was, if you take the entire picture, then you cannot complain that the Muhammadans have been given any undue preponderance in any part of India. That is the position I put to you?—(Dr. Moonje.) My complaint has been that in those Provinces where the Mussulmans are in a majority, their majority has been guaranteed to them by the Statute. Where they are in a minority they have been given weightage at the cost of the Hindus. On the other hand, where the Hindus are in a majority, their majority has been reduced to an absolute Constitutional minority. Wherever they are in a minority, their proportion of representa-

tion has been fixed even below their population basis.

9071. In the North-West Frontier Province and in Sind, the Hindus have been given weightage, have they not?—Yes.

9072. In Bengal and the Punjab, the Mussulmans have not been given the same proportion as the population, have they?—That is exactly my grievance. I said, and I say, my grievance is that a majority does not require any protection by statute. It is the minority that requires protection by statute, if protection is to be given.

9073. However, I pass on from that. Now, Mr. Chatterjee, I want you to tell me this. You know, as a matter of fact, that in Bengal, both among the Hindu and the Muhammadan members of the Council, there have been different political parties, have there not? They have been divided into political groups?—(Mr. Chatterjee.) Not in my experience; not during the time I have been on the Legislative Council—the last three years. The Muhammadans have all formed a group together.

9074. Do you remember when Mr. C. R. Das was in the Legislative Council of Bengal, that he had a majority of the Muhammadans in his following in his group?—Yes. I was not there, but that is so, he had a number of Muhammadans.

9075. How many political groups are there among the Hindus now in the Bengal Council?—Mainly, there are two groups.

9076. And among the Muhammadans?—No group, excepting one gentleman, who has always stood up for the principle of a joint electorate. His party is one strong, the rest are on the other side.

9077. Even after Mr. C. R. Das's death, there have been several groups among the Muhammadans of Bengal. Is that not so?—I was not in the Council then. I can only give hearsay evidence of how those groups were managed.

9078. You have told us that if the scheme of the White Paper regarding this communal composition of the Legislature is accepted, in that case the Terrorist activities will be directed against the Government of Bengal. That will be the Mussulmans forming a Government: Is that not so?—Yes.

9079. Is that information derived from the Terrorists themselves?—I think I

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have already answered this question twice. I will answer it a third time. My point is that this Terrorist Movement began in 1906 by way of a protest.

*Chairman.*] I do not think it is necessary to repeat them. I quite agree with the witness, that he has answered the question before.

Sir *Abdur Rahim*.

9080. In spite of that, Muslims have been in the Government. Do you think that that would deter the Muhammadans from taking part in the future Government of the Province. Do you think that will deter the Musselmans of Bengal from taking part in the future Government of the Province judging from past experience?—In the past no such situation has arisen. The White Paper for the first time proposes to create an unalterable communal Muhammadan majority in the Council, and I do not know how they are going to react when the Constitution begins. Whether they will abdicate or stand to their guns one cannot say at the present moment. The past supplies no guidance because such a thing has not happened before.

Sir *Abdur Rahim*.] I can say that the Muhammadans will not be deterred by such a threat.

Mr. M. R. Jayaker.

9081. The witness did not suggest that the Muhammadan Ministers would be deterred by that fact?—No.

Mr. A. H. Ghuznavi.

9082. Dr. Moonje, you presided over the annual meeting of the Barra Bazar Hindu Sabha in Calcutta on the 25th July, 1926, did you not?—(Dr. Moonje.) I do not remember the date, but I presided over the meeting.

9083. Is this a correct report of the proceedings? "Presiding over the annual meeting of the Barra Bazar Hindu Sabha, Calcutta, on 25th July, 1926, Dr. Moonji traced the history of lost Hinduism during the last nine hundred years quoting Afghanistan, Kashmir and Malabar as instances in point, and also mentioning that India had lost 70,000,000 of her men to another religion"?—Yes.

9084. "The object of the Hindu movement would be to keep together all Hindus and to extend the Hindu religion so that India might be called Hindustan, the land of the Hindus"?—Yes.

9085. "It seemed to him that the Hindus were living under two dominations, the political domination of the English based on its strength of machine guns and the domination of the Muhammadans based on their aggressive mentality"?—Yes.

9086. Is that correct?—Yes.

9087. This is the statement in your Presidential address?—Yes, it is.

9088. You said just now that by Hindustan you meant the land of Hindus and Muslims together?—Yes.

9089. You have just pointed out that you were feeling aggrieved at finding 70,000,000 of your Hindus have become Muslims?—What is your question?

9090. My question is you pose to be a friend of the Muslims, and you have just said to Sir *Abdur Rahim* by Hindustan you mean Hindus and Muslims together, but here you have described what is your meaning of Hindustan, that is the land of the Hindus, and you have regretted that 70,000,000 Hindus have been converted to Muslims. How do you reconcile these two statements?—If you go to Afghanistan and meet an Afghan Sikh he calls himself an Afghan. If you meet an Afghan Hindu he calls himself an Afghan. If you meet an Afghan Muslim he calls himself an Afghan because he lives in the land of Afghanistan; but when you ask them what they are by religion, they say "I am a Sikh," or "I am a Hindu," or "I am a Muslim." In the same way in Hindustan, which means the land of the Hindus, the Hindu may be by religion a Christian, he may be by religion a Sikh, but he is a Hindu of the land of Hindustan, as in the land of Afghanistan he is an Afghan, as an Englishman is of the land of England, or a German of the land of Germany, or a Frenchman of the land of France.

Mr. *Zafrulla Khan*.

9091. Does the Hindu Mahasabha claim to represent the views of Hindus as defined by you now?—Of course, that is the view of everybody who calls himself a Hindu Hindusthan.

9092. The Hindu Mahasabha is an institution which represents the views of Hindus under the definition you have just given?—Yes.

9093. Hindu as defined by you?—Yes.

9094. Including myself?—Including yourself, quite right if you call yourself a Hindu of Hindusthan.



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Mr. A. H. Ghuznavi.

9095. What did you mean by saying that India had lost 70,000,000 of her men to another religion?—I will give my answer by illustration.

9096. Give me an answer. What do you mean by this?—I am giving an answer by illustration: In England there are Protestantism and Roman Catholicism. A large number of people may go to Protestantism or to Roman Catholicism. If a larger number go to Roman Catholicism, Protestants will not feel very happy over it, or if a larger number go to Protestantism, Roman Catholics will not feel very happy about it. In the same way if a larger number of Muhammadans become Hindus, Muhammadans will not be very happy, if a larger number of Hindus become Muhammadans, Hindus will not be very happy. Everybody is entitled to propagate his religion by the most free and legitimate means possible.

Mr. Zafarulla Khan.

9097. Dr. Moonje, nobody denies that the object of Hinduism should be to win back those who have gone out of it, or even more those who never entered it before, but you say the point of Hinduism is by winning these people to make it possible that India may become the land of the Hindus?—No, India is already the land of the Hindus.

9098. You do not consider it will be Hindustan unless 70,000,000 Muslims are brought back into Hinduism?—India in English is called India, but in our language it is called Hindustan.

9099. What do you mean by saying "so that it may become the land of the Hindus," if it is already the land of the Hindus?—As one community by the increasing number of conversions we will feel happier over it. In the same way if a larger number of people become Hindus, Muhammadans will become unhappy over it.

Mr. A. H. Ghuznavi.

9100. You delivered your Presidential address at the special session of the Hindu Mahasabha held at Patna on the 16th and 17th April, 1930, did you not?—There was no Session held at Patna in 1930.

9101. When was there a Session in Patna?—In 1926, if I remember aright.

9102. Speaking of Hindu-Muslim unity, you were pleased to state as follows: "This unity is to my mind a volatile commodity appearing very real and worth having till the price is paid"?"—Yes.

9103. "When it assumes the form of impalpability and intractability"?. And having stated that you had never been a believer in pacts and concessions in bringing about Hindu-Muslim unity, you advised your co-religionists that 'they should leave Muslims severely alone in their present mentality and leave them to think and act as they pleased'." Did not you say that?—Yes, I said that. What is your question?

9104. Nothing at all. I just wanted to show what you said. You gave a statement to the "Times of India" last year. There you asked "the Hindus as elder brothers, to develop courage and strength to pull the Muslims by the ear"?"—I may give a reply? It is a reply to the argument that is used against me that the Hindu being the majority brother—the elder brother—he should be generous enough to the younger brother, the Muslim.

9105. So as to pull his ear?—Let me give a full explanation. My reply is that if the elder brother is called upon to exercise his obligation, as the elder brother in making concessions to the younger brother, he has also another obligation, to put right the Muslim, the younger brother, by pulling his ear if he is going astray. When Swami Shradhanda was murdered we expected that the whole Muslim community would come round in a body to condemn the murderer, but instead of that we found that the murderer was deified and amongst the leaders of deifying that murderer were some who were members of the Round Table Conference. Therefore if the Hindu as an elder brother has the right of making concessions, he has also the right of pulling him by the ears if he is going astray.

Dr. Shafa' At Ahmad Khan.] Just after the murder of Swami Shradhanda the annual meeting of the Muslim League was held at Delhi, and to the best of my recollection a resolution was passed condemning the murder.

Mr. Zafarulla Khan.] I hope Dr. Moonje will cite resolutions of the Hindu Mahasabha condemning the murders of Muslims at Sholapur and Cawnpore.



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Mr. A. H. Ghuznavi.

9106. "Since 1916 an agreement of mutual consent in brotherly friendship between Hindus and Muslims known as the Lucknow Pact is in actual operation through the present Government of India Act." You say that in paragraph 1 of Document No. 57?—Yes

9107. Are you aware that at Lucknow in 1916 the Bengal Muslim representatives protested strongly against the Lucknow Pact which gave to the Muslims statutory minority in a province in which they were in a majority?—I do not know. Nobody emphasised that point. Nobody brought up that point in all these discussions on this question during the five years. The point you are saying now was never brought to notice.

9108. I will give you the history of the Lucknow Pact?—So far as I remember it was not even noticed by the Simon Commission which gave considerable thought to the history of the Lucknow Pact.

[Mr. A. H. Ghuznavi.] The history of the Lucknow Pact was this, which will be found in a supplementary note by Dr. Abdullah Al-M'amun Suhrawardy in the Indian Central Committee, page 24. "The annulment of the Partition of Bengal and the unsettling of that 'settled fact' on the 12th December, 1911, had shaken the faith of the Muslims in the pledges and promises of British statesmen. The dubious attitude and policy during the Turco-Italian and Balkan Wars, of England, the traditional friend and old ally of Turkey, had also distracted and disturbed the Muslim mind. This drove the younger men of the Muslim League into the arms of the Congress and the resolutions passed by the League in 1913 bear unmistakable traces of Congress influence. Then came the Great War in which the forces of the Caliph were ranged on the side of the enemies of the Empire, and sorely tried and strained the loyalty of the Muslims to the British Throne. There was a great unrest and ferment in the whole Muslim world. Astute Congress politicians were not slow to discern their opportunity in the misfortune of Islam and they offered the unsophisticated Muslims the olive branch of the Lucknow Pact which was readily accepted." Then it says "Thus was concluded what is commonly known as the Lucknow Pact. This remarkable document is not an index and charter of Hindu-Muslim unity. It is in reality

the measure of Muslim discontent and dissatisfaction with the anti-Islamic policy of England which Mr. Gandhi subsequently developed into what he styled the 'Khilafat Wrong.' Disillusionment followed soon and the Muslims of Bengal and the Punjab bitterly rue to this day this Pact which some Muslims were led to accept for the sake of what they imagined to be service to their faith and country. For, in reality, it gave the Muslims nothing substantial. By a clever gesture of peace and good will the astute Congress politicians succeeded in securing the acquiescence of the handful of young and inexperienced politicians of the Muslim League to the relegation and subjection of Muslims to the position of a minority in every province in India including the provinces of Bengal and the Punjab where they constitute a majority. The Government of India in para. 21 of their despatch to the Secretary of State for India—No. 4 (Home Department) dated Simla, April 23, 1919, pointed out that 'the results of the Lucknow compact were defective.' The Honourable Sir W. H. Vincent 'considered that it gave the Mohammadans of two provinces (Bengal and the Punjab) too little.'"

Chairman.] Is that a question?

Mr. A. H. Ghuznavi.

9109. Yes?—I will explain. Neither the Simon Commission nor the Government of India thought there was no such thing as the Lucknow Pact. If the whole history as given by the Simon Commission as regards the Lucknow Pact is read, it will be noticed that the Simon Commission takes it as a fact, and the Government of India also take it as a fact, that there was a Pact known as the Lucknow Pact which was agreed to between the Muslims and the Hindus. I will read what the Simon Commission says: "In the absence of a fresh agreement, we are compelled to accept" so-and-so. The Government of India say in their despatch "The Lucknow Pact is no longer acceptable to either party." Up to that moment, the Pact was acceptable to both parties. Here my point is that the Pact is acceptable to the Hindu but not to the Muslim; it is repudiated by one party but not by the other party.

9110. Will you agree with me that the conditions in 1916 were different from the conditions of to-day? I will direct your attention to a few fundamental differences before you give your answer.

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The first is this: Government is proposed to be constituted on a Federal basis as against the present unitary system of government. Secondly, there will be provincial autonomy, the provincial administration being henceforth responsible for the government of the Province, and not the Governor-General. Thirdly, dyarchy will be replaced by Provincial responsibility. Fourthly, the officials and the nominated blocs will disappear in the future constitution. Fifthly, it is proposed to confer responsibility in the Centre. Give me a reply now, as to whether the conditions of 1916 differ very much from those of to-day?—The fact remains that the Hindus and Muslims entered into a Pact called the Lucknow Pact in 1916, and another fact also remains that it is one party which is repudiating the Pact and not the other Party. That is what I am complaining of. When Pacts are made between two communities on their word of honour, and when one party is repudiating that pact, such a one-sided repudiation should not be allowed. That is my grievance. If they agree to make another pact, that is a different thing; but so long as another pact by mutual agreement is not made, no encouragement should be given to the repudiation by one side of the Pact. That is my grievance. In this respect I may quote what the Right Honourable J. H. Thomas said in his speech in the House of Commons on the question of the Irish problem: "But we will not be a party and cannot be a party to allowing a question of this kind, which is a solemn obligation made between two people, to be treated simply as if it were a scrap of paper." That is exactly my position. Another pact may be made by mutual agreement; I am quite prepared for that; but until another pact by mutual agreement is made, the former Pact to which both communities solemnly gave their consent must prevail and one side should not be allowed to repudiate. Further neither party has a moral right to repudiate the pact and if solemn pacts pledging the honour and word of peoples are allowed to be repudiated and treated as a scrap of paper in easy conscience peaceful and ordered conditions of life will vanish and civilised life itself, as has been so truly said by the Right Honourable J. H. Thomas, will be made impossible.

9111. I will refer to Section 2 (c) under the heading "Decision of the British Government on the Communal Problem," of the Memorandum. You say: "That in the Punjab and Bengal where the Muslims form the majority communities, provision has been made for guaranteeing majority by statute, though indirectly to the Muslims majority in Punjab and for guaranteeing a large majority by statute to the Muslims majority in Bengal over the Hindu minority who have been thus deprived of all possible constitutional means of converting their minority into political majority?"—Yes.

9112. Under the system of separate electorate when seats are fixed by statute is it not inevitable that both majorities and minorities will be guaranteed by statute?—That is my grievance. The separate electorates when introduced were introduced as a measure of protection of the minority community. My grievance is that, instead of confining it to minority communities, they have been extended to majority communities; that is my first grievance. The second grievance is that in separate electorates in the Punjab, according to my calculation, if special seats are not to be calculated, 49.1 has been guaranteed by statutory majority to the Muslims, while Hindus being 28 per cent., what has been guaranteed to them is 25.4 per cent. if special constituencies are not to be included, but if they are to be included then, according to my calculation, Muslims' majority is guaranteed 52 per cent., and Hindus who are 28 per cent. are given only 26.8 per cent. That is my grievance.

9113. Are not the Hindu majorities guaranteed by statute in Bombay, the United Province, Madras and the Central Provinces?—No.

9114. Why not?—It is the demand of the Muslims and that is what we are quarrelling against. What we say is that a situation should be so created that where the Muslim is in a minority he should be free to convert his minority into a political majority. Where the Hindu is in a minority he should be free constitutionally to convert his minority into a political majority.

9115. How can a minority be converted into a political majority in these Provinces, Madras, United Province, Bombay and Central Provinces. How can it be done?—The protection to the

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minorities is legitimate and should be guaranteed in so far as there are special interests—their language, their culture, their personal laws—protection for all these should be guaranteed by the statute. Whatever comes under public administration of the country is neither Hindu in character nor Muslim in character, it is of a national character and in that national character there is no such thing as Hindu, no such thing as Muslim, and therefore on constructive programmes Muslims can form parties which can get a majority and Hindus can form parties which can get a majority.

9116. You remember the Morley-Minto Reforms?—Yes.

9117. You know that Lord Morley gave five communal seats and then he was hoping that the Muslims would contest on the joint electorate in Bengal and would have their share in the Council?—I do not know this.

9118. Will you take that from me that that is the fact?—Yes

Mr. A. H. Ghuznavi.

9119. Will you take this also from me: Although they had five communal seats, the Muslims in Bengal could not capture a single seat, except one by a fluke, when the Hindu member's paper was found to be incorrect and was rejected.

Chairman.

9120. Does the witness agree?—(Mr. Chatterjee). I do not agree

Mr. A. H. Ghuznavi.

9121. Are you aware that under the Morley-Minto scheme five communal seats were guaranteed to us under the communal electorate and the rest of the seats we were asked to contest in the joint electorate. We could not secure one single seat except one single seat by a fluke when the Hindu member's paper was found to be out of order?—(Dr. Moonje). May I give an answer?

Chairman.

9122. Yes?—In my Council in Nagpur there are 72 members.

Mr. A. H. Ghuznavi.] I am now asking Mr. Chatterjee about Bengal. I have nothing to do with Nagore.

Chairman.

9123. My colleague has asked you whether you are aware of such and such a thing. What is your answer?—(Mr. Chatterjee). My reply to Mr. Ghuznavi

is that in those days the electorate consisted—

Mr. A. H. Ghuznavi.

9124. I want him to say Yes or No?—I am going to answer the question. I can only answer the question in my own way.

Chairman.

9125. Answer the question in your own way, Mr. Chatterjee.—I would remind Mr. Ghuznavi that in those days the electorate was confined to membership of the district boards and the municipalities, an absolutely limited electorate, where the Hindus predominate undoubtedly, but when you get a joint electorate on the basis of the members recommended by the Lothian Committee I have no doubt that the Muhammadans will come in in a majority, they being in a hopeless majority in northern Bengal and eastern Bengal. We have heard the expression "hopeless minorities." I want to use the expression "hopeless majorities." The Muslims are in such overwhelming majorities in those two parts of Bengal that their own people who have calculated the matter very carefully have come to the conclusion that even on the basis of a joint electorate they will come in in a majority and we should welcome them as our rulers when they come in as our representatives and as also the representatives of the Muhammadans. We should then welcome them. (Dr. Moonje.) May I supplement this by giving an illustration of the same kind? In my Province the Council is composed of 72 members. Out of 72 members, hardly 7 are Mussulmans, and yet to-day the President of our Council is a Mussulman, because his politics are the politics of all concerned.

Sir Hari Singh Gour.

9126. Who is the President of the Nagpur Municipal Corporation?—The President of the Nagpur Municipal Corporation is a Mussulman, because he happens to belong to my Party. He has been made President, because he is the best Member in that Party contributing to the construction programme which appeals to the majority of the people.

9127. And who was his predecessor?—His predecessor was a Parsee

Mr. A. H. Ghuznavi.

9128. I am coming to the recent elections, to give you an illustration. You know there is a Landholders' con-

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stituency, under the Montagu-Chelmsford scheme, and they can return five members?—(Mr. Chatterjee.) I know that.

9129. Would you be surprised that not a single Mussulman has been returned in the last 12 years in that landholders' constituency?—(Mr. Bannerjee.) The Muslims could be easily returned, if they were united. If they are disunited, it is not our fault, I suppose.

Sir N. N. Sircar.

9130. Is Mr. Ghuznavi aware that it was stated on the Statutory Commission that no good class Muhammadan so far had been forthcoming to stand at the election, and that is the reason why they do not get in?—(Mr. Chatterjee.) I was just going to say that Muhammadans have been so communal in their outlook that they have somewhat alienated feeling. The moment a Muhammadan says: "I am an Indian first, and I am a Muhammadan next", we shall do anything he asks us to do; we shall be at his bidding and at his disposal then.

Mr. Zafrulla Khan.

9131. But not the proportionate seats in the Council?—Yes, you come in on the joint electorate. We are practically certain you will come in in a majority.

Mr. A. H. Ghuznavi.

9132. How was it that they could not return one Mussulman landowner?—The point is that no Muhammadan since the late Mr. Rasul has stood up in Bengal as an Indian first and a Muhammadan next. The moment you do that, you absolutely conquer us, and make us your slaves; we will do everything for you then.

9133. I will give you an instance. A certain Mussulman stood for election for the Bengal Council, but was not returned?—But he is known as the communalist Muhammadan in Bengal.

9134. Then with regard to the Calcutta University, not a single Mussulman has been returned by the Calcutta University till now?—The Vice-Chancellor of the Calcutta University is a Muslim (Mr. Bannerjee) But what is the proportion of Hindu graduates to Muhammadan graduates there?—(Mr. Chatterjee.) What I say is this, that our Mussulman brothers have taken to, what you call, English education very recently.

9135. And I will give you the reason why they have not yet produced out-

standing types, that is the great difficulty. But whenever we Hindus get a competent Muhammadan, we always give him the preference. Take the Calcutta Corporation, where the Swarajists are the predominant Party. We had a Mussulman who had gone to India as a chartered accountant after passing his examination in England. He was preferred by the Swarajists to all other candidates put in, because he was the best qualified candidate available, and they were glad of the fact that he was also a Mussulman. As you begin to produce big men, you will begin to command our respect, confidence, and so forth. Take that young man who did very well in his examination at Oxford only last year. Every Hindu welcomes him, honours him, and would like to have him in any position of responsibility.

9136. Calcutta Corporation has returned a Hindu as the Mayor, and not a Mussulman, although a Mussulman stood this time?—The overwhelming majority of the Calcutta Corporation are Hindus.

9137. Therefore, the Hindus will not vote for the Mussulmans?—But I will guarantee the Mayoralty of Calcutta to any Muhammadan you nominate, providing you accept our demand for a joint electorate. I can say on behalf of the Hindus that I guarantee successive Mayoralties, if you will accept our demand for a joint electorate.

9138. Do you know anything about the Resumption Proceedings of 1828?—No.

9139. I am reading just a few lines from an address given to his Excellency the Governor-General by the Muslims of Bengal and the Central National Muhammadan Association, the oldest Muslim political body in India, founded in 1877 by the late Right Honourable Syed Ameer Ali, which has to its credit 52 years of service. They said. "When the British East India Company acquired from Shah Alam, the last Moghul Emperor, the Dewani of the Eastern Provinces of India, Moslems, throughout India, particularly Bengal, held predominant position and commanded wealth and political influence. Persian was then the court language and Civil, Criminal, Executive and Revenue Officers were mainly Moslems. Members of the Moslem aristocracy, such as the Feudal Lords, Jagirdars, Mansabdars, Amadars and Lakjirajdars, who held rent-free grants, generously utilised their resources for the general well-being of the country. The

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Civil Lists of 1793, when Lord Cornwallis made the Permanent Settlement of land revenue, show that Moslems then formed more than 75 per cent. of State servants. It was not until 1828, when the Resumption Proceedings were instituted in Bengal and conducted for 18 years with a degree of harshness, leaving behind a legacy of bitterness, that serious disaster overtook many ancient Moslem landholding families. That versatile writer and historian, Sir William Hunter, in his 'Indian Mussulmans,' speaking of the disastrous effects, says: 'At an outlay of £800,000 upon Resumption Proceedings an additional revenue of £300,000 a year was permanently gained by the State. A large part of this sum was derived from the lands held rent-free by Mussulmans or by Mussulman foundations. Hundreds of ancient families were ruined, and the educational system of the Mussulmans, which was almost entirely maintained by rent-free grants, received its death blow.'

Mr. M. R. Jayaker.] May I raise a point of order? When Mr. Zafrulla Khan made a statement in the morning that these communal questions were not to be gone into so far as the Communal Award was concerned, I reciprocated in the same spirit, and I said we will save the time of the Committee by not going into these questions. I thought that spirit was going to be kept up. I, personally, refrained from asking many questions of this character, which I could have put, but I deliberately refrained from going into any of these communal questions, in the desire of reciprocating the spirit to which Chaudri Zafrulla Khan referred, but if Mr. Ghuznavi is now to be allowed to go into ancient questions of history, I do beg your Lordship will prevent any of these questions to be raised or give us the liberty of re-examining the Witnesses, from the other points of view.

Marquess of Reading.] May I express really that we have arrived at a time at which we might pass from this purely communal question, I do not mean on the question of the number of seats, and so forth, which raised a practical question, but, surely, we shall do no good in the Committee by listening to a mass of evidence as to what has taken place in the past? After all, we are all familiar enough with the communal troubles that exist. I do suggest that our Delegate friends leave this general question, and confine themselves to any specific ques-

tion they want to raise on numbers, and not bring us into this general atmosphere of communal disturbance, which, after all, does not help us, as far as I can see.

Mr. Zafrulla Khan.] As I have been referred to, I hope you will not mind my saying a word. I do not mean to say that these questions should be put, but, surely, Mr. Jayaker's memory must be somewhat at fault, or mine must be somewhat at fault, if he understood me in that sense. What I said was that I would not arrogate to myself the position that I should dictate to or submit to the Committee as to what they should do with regard to this matter. The question arose over Lord Zetland's question to the Lord Chairman that, so far as the Muslims were concerned, they have taken no part in these Proceedings, on the distinct understanding that the Communal Award was there. May I respectfully point to the fact that the mischief started when Sir Nripendra Sircar put questions to Mr. Chatterjee, in reply to which Mr. Chatterjee said there would be no responsible Government in Bengal, because the Award had set up a communal majority. Had that not happened, I am perfectly certain Mr. Ghuznavi would not have put any questions of that kind either.

Chairman.] In answer to Mr. Jayaker, I can only say that my judgment on a point of order does not arise, but expediency is another matter, and it does appear to me that we have gone very fully into many of these questions, and I can only rely on a sense of proportion, which I know is just as strong amongst the Delegates as I believe it to be amongst the Members of the Committee, and leave it at that.

Mr. A. H. Ghuznavi.] May I have permission to read only one further passage?

Lord Irwin.] Before Mr. Ghuznavi begins to read again, will he bear in mind that the more he reads, the more he will stimulate somebody else to read something further in reply; and will he not also bear in mind that probably all the arguments that he has been so well adducing, and others that he may still have in mind, just as the counter arguments that others may bring forward also, all those alike are now, I think, pretty well in the minds of the Committee, and I rather question whether any case is going to be greatly advanced at the moment, in the mind of any of those who have to

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judge of these things, by the repetition of arguments which are sufficiently familiar.

Mr. A. H. Ghuznavi.] I will ask as few questions as I can. If you will allow me to put this in, I will not read it.

Chairman.] I must rely upon your own judgment in the ultimate case, Mr. Ghuznavi.

Mr. A. H. Ghuznavi.

9140. Mr. Chatterjee, I will refer to your Memorandum, No. 61, wherein you state that in the local bodies with Muslim majority in Bengal, grants to Hindu institutions have been deliberately discontinued, and the Hindus have been denied the amenities which they extended to Muslims living in the same area, with a cheerful readiness. Are you aware that the Muslims charge the Hindus, who have hitherto been in power, in the local bodies both in East and West Bengal, with never, if rarely, making any grant to Muslim institutions, and neglecting to grant any amenities to areas in which the Muslims lived?—What is the question?

9141. The question is that you said this, that in the local bodies with Muslim majority in Bengal, grants to Hindu institutions have been deliberately discontinued, and the Hindus have been denied the amenities which they extended to Muslims living in the same area, with a cheerful readiness?—Yes.

9142. My question to you is this: Are you aware that the Muslims charge the Hindus who have hitherto been in power in the local bodies both in East and West Bengal, with never, if rarely, making any grant at all to Muslim institutions and neglecting to grant any amenities to areas in which the Muslims lived?—I am aware of the contrary, but, in any case, my answer is, two wrongs do not make one right.

9143. For your information, I can say this, and later on, in October, I shall illustrate this by reference to every single municipality, and district Board, and local Board, in Bengal. Are you aware that in practically all the local bodies with Muslim majorities in Bengal, the Muslims have consented to having at least a Hindu Vice-Chairman, if there is a Muslim Chairman, and vice versa, but that this is not so in those local bodies, excepting the Calcutta Corporation, where the Hindus are in a majority?—I should be very loath to answer this question.

9144. But you have made all sorts of references in your Memorandum; you have made all these charges in your Memorandum?—Have I to answer the question? I can answer the question, but I would rather not, because it may create more bitterness of feeling, but if Mr Ghuznavi insists upon the answer, I shall give it.

Mr. A. H. Ghuznavi.] You would rather not give an answer?

Chairman.] Mr. Ghuznavi, I understand you do not desire to press the Witness, if he does not wish to answer.

Mr. A. H. Ghuznavi.

9145. Compulsory primary education is a good thing, is it not?—Certainly.

9146. And will benefit all the communities?—Undoubtedly.

9147. Will you agree with me that it was the zeal and enthusiasm of the present Muslim members of the Bengal Legislative Council, which was responsible for the passing of the Primary Education Bill?—No. That zeal spoilt it, to a certain extent. It would have been a far better Act, if the Muslim Minister had conceded us ten days' time, which we begged for, in order to sit with him and go through the whole Bill clause by clause with a view to eliminating certain patent defects which were in that Bill. If that had been done, we should have passed the Bill together.

Sir Austen Chamberlain.] On a point or order which I put to you, is this, or can this be of any service to the Committee in arriving at their decision?

Mr. A. H. Ghuznavi.

9148. You have said in your Memorandum that the Muslims of India have not been able to formulate a single claim since the introduction of the Reforms, which were not strictly limited to their community. Do you seriously want to make that statement?—That is my impression, but I am subject to correction by you. You point out to the Committee where I am wrong.

9149. The Muslim demands clearly refute this, and I will ask you to consider this, that if the Muslims had also not demanded responsibility in the Centre, in spite of their practically negligible minority in the Federal Legislature, and overwhelming Hindu preponderance, and had not shown a spirit of patriotism and self-sacrifice, self-government at the Centre would not have been at all con-

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templated?—That is for the Secretary of State to answer, I do not know it.

9150. You mean to say, if the Muslims did not agree to the Central responsibility?—I am not in a position to answer this question.

9151 I am quoting a speech from Sir Charles Tegart of the Royal Empire Society. He said that the Terrorist movement in Bengal was essentially a Hindu movement. Do you agree with this?—Yes

9152 I put it to you further that it is essentially a caste-Hindu movement?—I do not think that you are right. In course of my defending various cases, I have found that people who were not so-called caste-Hindus were also in the movement

9153 Is the answer that I am not right?—No, you are not right

9154 I put it to you, that not a single Muslim has even taken any part in this movement. Is that correct?—I think you are correct

9155. I have got in my hand a statement of Terrorist Crimes in Bengal, compiled by the Government of India, from January, 1929, to January, 1932. From this, you will see that the calendar of crimes of Terrorists shows not a single Muslim appears in this Terrorist list?—Quite right.

9156. Mr Chatterjee, is it not true that until recently the execution of political murderers was not condemned by the Hindu press, and local bodies, including the Calcutta Corporation, in which the caste-Hindus predominated, passed resolutions of sympathy on their execution, and praised their acts as patriotic acts?—I must very strongly protest against this suggestion. If you will read the speeches of my old father-in-law, the late Sri S. N. Bannerjee, from his day up to now, all caste-Hindus have agreed in condemning this movement.

9157. I have to put a statement which has not been contradicted. The Calcutta Corporation, as recently as two years ago, passed a resolution of sympathy?—Sometimes popular bodies do silly things; you cannot help them. That is the price you pay for popular Government

Sir A. P. Patro.

9158 For democracy?—Yes.

Mr. A. H. Ghuznavi

9159. Is it not a fact that when a political murderer is tried, practically the

whole of the Hindu Bar in the Mofussil appears on his behalf, and that this has recently happened when the murderer of Mr. Douglas was tried the other day at Midnapur?—Certainly not. It is the members of the Hindu Bar who prosecute with the greatest zeal and even superfluous enthusiasm.

9160. Have you seen one of the terrorist leaflets?—Yes, I saw the one which was published against me after I had issued an appeal that terrorism should cease.

9161. Do you know what is the aim of these terrorists?—The present terrorists?

9162. Yes, the present terrorists, not the future?—Their aim is terrorism.

9163 Will you take it from me that the terrorists in Bengal want nothing short of a Communist Republic?—My poor knowledge derived from my contact with these very men during the time when they were being tried is absolutely contrary to what you say.

9164. They do not care twopence how many seats the Hindus get and how many the Muslims get?—I am afraid I know that you know nothing about them. Therefore, I cannot take it from you.

9165. Do you know Mr. Satyendra Mitra, who was an ex-detenué and a member of the Jugantar and terrorist movement?—No, not of the Jugantar. I do not think he was born then. He must have been in his swaddling cloth, if he was born.

9166. Will you accept it from me if I say it comes from the Rowlatt Report?—Certainly not. I have pointed out many mistakes in the Rowlatt Report.

9167 Will you take it from me that Mr. Mitra is more closely in touch with the terrorists than yourself? You told us this morning you were in touch with the terrorists and could tell us what they want?—You are misquoting me. I said it was impossible to know who the terrorists were, but I have come in contact with the men who were either in internment or who were in the various trials in which I have had to defend them. I am not in touch with the terrorist movement.

Sir Hari Singh Gour.

9168 I take it you are a barrister with a large criminal practice in the High Court?—Yes.

9169. Therefore you come in contact with the people who wish to be defended?—Yes.



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Mr. A. H. Ghuznavi.

9170. Mr. Satyendra Mitra will be able to give better information about terrorists than yourself?—Certainly not; I do not accept that.

Marquess of Zetland.] Has this really got anything to do with the future Constitution?

Mr. A. H. Ghuznavi.] Why I am making this point is that the idea which has been given to this Committee is this: If the Communal Award stands in Bengal the terrorists will increase and terrorism will only decrease if you reopen the Communal Award. I was only bringing out the point that it does not matter twopence to the terrorists how many seats the Hindus get and how many the Muslims get. All they want is a Communist Republic.

Sir Austen Chamberlain.] The point is quite clear. Is it necessary to pursue it any further?

Mr. A. H. Ghuznavi.] I have finished.

Dr. Shafa' at Ahmad Khan.

9171. Mr. Chatterjee, will you look at Memorandum No. 61?—Yes.

9172. You say in the third paragraph of that Memorandum: "The Partition spelled trouble for the handfuls of Hindus in Eastern Bengal, the Award threatens the Bengali Hindu's very existence. It treats the two centuries that have rolled by since the battle of Plassey as an irrelevant interlude, and seeks to confer the sovereignty of Bengal once again on the very Muslims from whose ancestors Great Britain had wrested it in 1757"?—Yes.

9173. What proportion have the Muslims got under the White Paper scheme in the Bengal Legislative Council?—I thought I had answered that question. They have got 119 guaranteed communal seats and in my opinion, on a very conservative computation, they will get another six seats out of the special seats created.

9174. I do not agree with you at all, that they are likely to get six seats, but granting for a moment that they are likely to get those six seats, they will be about 50 per cent.—125: exactly 50 per cent.

9175. Do you think 50 per cent. of the seats in a Legislative Council will lead to the transfer of sovereignty of Bengal?

—Yes.

9176. How?—Because the Governor will be asked to send for the leader of the party to form his Government, and there-

fore it will be a communal Government. The Governor may signify his desire: "Do please have some Hindus," but the Muhammadan Chief Minister or Prime Minister could very well say, on the strength of the party that he would have behind him, that he was not going to do it, he could have all the Ministers Muhammadans, and there would be nothing to prevent him from enforcing that wish on the Governor.

9177. Do you really think that a community which has only 50 per cent. of the seats will be in a position to form a ministry? Will it have a working majority at all in the Council?—The Muhammadan gentlemen will be 125 strong. Then there would be 25 Europeans, four Anglo-Indians, and two Christians, that is 31.

9177A. That leaves us with how much?—Ninety-four, I think.

9178. You are sure that Europeans would always side with the Muslims?—No, I am not saying that. These 31 gentlemen will not be expected to interfere with the functioning of the Muhammadan Government, when there is a squabble between the Hindus and this Muhammadan majority on questions which will affect the Hindus and Muhammadans only.

9179. On your hypothesis there is not a majority at all there is only equality, fifty-fifty?—No. That is what I want. After counting out the 31 seats you should divide the remaining 219 seats equally between Hindus and Muhammadans. If you do that, as my Muhammadan friends at one time were so agreeable to doing, then the trouble would be eliminated because the Hindus and Muhammadans would be of equal strength and could do no harm to each other by communal legislation.

9180. I am pointing out that you do not really transfer sovereignty if you give 50 per cent. to any community in any Council?—You do here. You do not give 50 per cent. merely to the Muhammadans. You create a body of another 31 people who would have nothing to do ordinarily with the domestic questions agitating Hindus and Muhammadans in the Council. The Hindus would be in a permanent minority, and from my past experience of the way Europeans, Anglo-Indian and Christian Members have been behaving in the Council, I am sure that on 99 out of a 100 points that arise between the communities in the Council,



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they would keep quiet and let the Hindus and Muslims fight it out. Therefore, you would have a permanent majority over the Hindus with the help of which you would be able to force your wishes on the Hindus.

9181. In your Memorandum throughout you have tried to show that Hindus are supreme?—Supreme?

9182. Please let me finish: supreme in many spheres, culture, art, wealth, and that the Hindu is really the founder, if I may say so, of modern Bengal. Do you think a community like the Muslims, possessing only 50 per cent, will be in a position to rule the entire Council, in spite of the fact that the Hindus have possessed and have now enjoyed a monopoly of every department of life?—It is a question of number 94 against 125 means the 125 would be weighing against the 94. That is the difficulty, and I will give you one example. There was a Hindu professor who officiated—

*Sir Austen Chamberlain.*

9183. Surely we are not going into details of appointments of this or that professor?—I am subject to what you say; I was giving an illustration of this point.

*Dr. Shafa' at Ahmad Khan.*] I do not wish to go into details.

*Sir Austen Chamberlain.*] May I make an appeal, my Lord Chairman? Surely the purpose of the Delegates and of the witnesses here is to inform the Committee. Is this kind of examination and this kind of answer really going to be of the least use to any Member of the Committee when he comes to consider his report?

*Dr. Shafa' at Ahmad Khan.*

9184. Mr. Chatterjee, I can give you an example in my own Province and of other Provinces where Muslims are in a minority?—May I take exception to this?

*Dr. Shafa' at Ahmad Khan.* I have not finished my question. The Muslims in my Province have comparatively small voting strength. In some Provinces they have only much smaller proportions. Yet they are quite prepared to work the reforms and have agreed to complete Provincial autonomy in their Province. They have never said they do not wish to be ruled by a Hindu majority in the United Province, the Central Provinces, or Madras.

*Chairman.*

9185 If any questions are put which you do not wish to answer, you have only got to ask for permission not to answer them?—I thought you were ruling out illustrations.

*Dr. Shafa' at Ahmad Khan.*

9186. The Muslims in minority Provinces are prepared to work it and I do not see why any differentiation should be made in other Provinces?—I do not want any discrimination. My point is that in those Provinces where the Muslims are in a very marked minority they have themselves demanded a separate electorate and weightage and they have got it. Where they are in a majority the question of protection of the Muhammadan majority does not arise. It is we Hindus who might have asked for some measure of protection against the Muhammadan majority. I am not asking for it if you will concede a joint electorate. If you do not concede joint electorate, then what I am asking for is that the seats should be divided in the proportion of the two adult populations in Bengal. That is all I have asked for—nothing more.

9187. Our experience in other Provinces has been that it is absolutely impossible to make any administration function successfully unless it has the co-operation of the two communities. Do not you think the Muslims of Bengal themselves will find it impossible to make the Provincial Government function successfully unless they have the co-operation and support of the Hindus?—As a lawyer I must say that everyone must be presumed to intend the natural consequences of his acts. When, in spite of being a majority, you want a communal electorate, what can be your intentions but to have a communal Government?

9188. The Muslims of Bengal get only 48 per cent. They are in a minority; they are not in a majority at all. According to the White Paper scheme it is 47.8?—I have answered the question.

9189. They are in a minority according to the White Paper scheme and so far as the special constituencies are concerned, do not you think the Hindus are likely to capture more seats from the special constituencies than the Muslims?—I am making the moderate computation that the Hindus will get 14 and the Muslims will get six.

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9190. Dr Moonje, in Section 6 of your Memorandum under the heading "Public Services," you say. "Recruitment to Services should be made on considerations of highest efficiency and qualifications necessary and available for any particular service by open competition." Are you aware that Raja Narendra Nath, who was once the President of the Hindu Mahasabha, agreed to the proposal that a third of the seats available in any local government should be reserved to redress communal inequalities?—(Dr. Moonje.) It may be his personal opinion; I do not know; but the position of the Hindu Mahasabha is that the Services form the soul of self-government and in those Services, at least so far as the Hindu Mahasabha is concerned, it desires no communal principle introduced. To open competition I have no objection. What the Mahasabha is saying is that in the public services, which is the soul of self-government, there ought to be no communalism. Supposing there is a Commander-in-Chief to be appointed, it should not be said that because he is a Hindu therefore he ought not to be appointed Commander-in-Chief, or because he is a Muslim he ought not to be appointed Commander-in-Chief. The Hindu Mahasabha says the person best fitted to be a Commander-in-Chief should be Commander-in-Chief whether he is a Hindu or a Muslim.

9191. Raja Narendra Nath did not object to a reservation of a third of the vacant seats for redressing communal grievance?—(Pandit Nanak Chand.) May I reply because I know Raja Narendra's view on this point and I know his mind?

9192. I have got the answer of Dr. Moonje?—All along his view has been that posts of trust and responsibility should be open to merit alone, but as a concession to the quarrels going on between the various communities, he proposed a compromise, that 75 per cent. of the seats should be open to merit and competitive examination, and the remaining 25 per cent. should be open to be filled up to redress what are called communal or backward classes inequalities. That is his position. He prefers the first alternative, but in order to satisfy everybody and all the communities, he accepted the second alternative, but that has not followed in the Punjab.

9193. Do you agree with that or not?—I should agree with Raja Narendra Nath's view of that satisfies my Muham-

madan friends, but it does not. In the Punjab they want 50 per cent. of the posts for themselves without any competition. At one time they demanded 40 per cent.; now it is 50 per cent., to-morrow it will be 60 per cent.

9194. I was only speaking of the principle approved of by Raja Narendra Nath?—As a compromise we will accept it, but it is not accepted by the other side—by your community.

9195. Mr Chatterjee, in the second paragraph of Section III of your Memorandum you say: "And yet all this alienation is avoidable, and is being gratuitously courted. The proposed reforms would hardly get a chance in India if the British were to drive the main body of Bengali Hindus into a maddening paroxysm of estrangement therefrom. All the aftermath of the Bengal Partition points to such an inference. The present writer who most earnestly wishes to see the coming constitution get under way is far from intending to utter idle threats. But past experience cannot be ignored." What exactly is the purport and meaning of this paragraph? Does it mean that if there is no modification of the Communal Award, the terrorists will get ascendancy so far as the Hindus of Bengal are concerned?—(Mr. Chatterjee.) I have answer this question five or six times.

9196. Do you not think that this, what I call a threat, would be used by other discontented elements and communities in the vast population of India?—If they had justice on their side.

9197. Are you aware of the fact that the principle of land alienation was accepted in the United Provinces before the Act was passed?—(Pandit Nanak Chand.) I would like you to explain it to me.

9198. And since the last five or six years, proposals have been made by the United Provinces Government and various bodies for the purpose of extending the Land Alienation Act to certain districts?—(Pandit Nanak Chand.) I have already said that if the object of the Land Alienation Act is to protect the agriculturist and cultivator from the wiles of the moneylender, I am all for it, but I want to have a definition of the agriculturist and the moneylender on occupation, not on caste, and I can point out to my friend on the authority of Mr. Darling, the gentleman who has written

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this book, "The Punjab Peasant", that 19,000 or more moneylenders belonging to agricultural tribes are to-day exploiting these agriculturists. I can give you the quotation if you want it and I hope my friend will read it. It is on pages 207 to 217, and where this particular thing occurs he says the land alienation has given these moneylenders of agricultural tribes their opportunity. It is possible for an agriculturist or a cultivator to be saved from the moneylender of non-agricultural tribes, but not from the moneylender of agricultural tribes. But, as I have said, the protection of the cultivator or of the agriculturist will receive our whole-hearted support, provided it is made on an occupational basis.

Mr. Zafulla Khan.

9199. Dr. Moonje, I am sorry to worry you at the end of a very long Sitting?—(Dr. Moonje) With great pleasure I shall answer your questions.

9200. But I have some questions to put to you, and other Members of the Delegation, on some points. Will you kindly look at paragraph 3 (e) of your Memorandum, No 57? It is rather an attractive proposal, and I want to understand one or two matters in connection with it. Your suggestion is that during the period of transition, although the Counsellors should continue to be responsible only to the Governor-General, "they should be selected from amongst the elected" then you have added in ink "Elected Indian Members of the Legislature"?—That, of course, is a printer's mistake. That is why I corrected it.

9201. Incidentally, of course, you want to exclude the elected European or Anglo-Indian?—Quite right; that is my intention.

9202. Assuming that, I will not go into it?—No; I must explain that.

9203. My question is not on that point at all. You may explain afterwards for the satisfaction of the Committee. My point is this. Supposing an elected Member is selected by the Governor-General as one of his Counsellors and put in charge of one of the Reserved Departments, according to you, would he, or would he not, continue to hold his elected seat in the Chamber? Will he have to vacate it or will he continue to hold it?—He need not vacate his seat.

9204. Would he not become an official as ordinarily understood, occupying an

office under the Crown?—By general agreement everybody will be accepting this principle that this person who will be appointed by the Viceroy's Minister in charge of Defence will be for that purpose an official of the Government.

9205. Do you visualise that, apart from his own particular Department, the mandate of his constituency might differ from the wishes of the Governor-General, and on questions which are not connected with his own particular Department? His constituency may have desired him to vote in one direction, and the Governor-General in another direction. What, according to you, should be his position?—He is responsible to the Governor-General only in the Department of Defence. In other Departments, he is responsible to his constituency. He is responsible to the Governor-General only in the Department of Defence, as I said. In that Department, he will be responsible not to his constituency but to the Governor-General.

9206. That was the trouble of some of us who had to consider this proposal, that this would necessarily lead to one of two consequences, either he must vacate his seat, or, if he holds his seat, you will have the spectacle occasionally of finding one of these Counsellors in charge of a Reserved Department voting against the Government; but I do not want to pursue that any further, unless you want to explain anything?—On this point, I might explain that I was not present when all these discussions took place, so I do not know all the views on this side and that side, as regards the difficulties, but my point is, that if there would be a Constitutional difficulty for him to maintain his elected seat, I would not mind if he was required to resign his elected seat. My point is that in the period of transition Indians should have an opportunity of learning the art of control and administration of the Department of Defence.

9207. So that it would be met, if your desire were expressed in this way, that, ordinarily, the Governor-General should select Indians as his Counsellors. The point is really Indians—not so much elected members?—My point is, elected Indian members, because that man when he comes into the Assembly, comes with the confidence of his constituency, and I wanted that the Viceroy should elect,

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such a person who commands the confidence of his constituency.

9208. Now I should like your view on another aspect of forming a Ministry at the Centre, and also in the Provinces, where there are Upper Chambers. You have, no doubt, studied the proposals in the White Paper carefully, and are aware that there is a proposal to have a small number of nominated Members in the Upper Federal Chamber and also in the Upper Chambers of those Provinces where Upper Chambers are sought to be set up. According to you, what would be your view if it were suggested that it should be open to the Governor-General or a Governor, as the case may be, to appoint one or more Ministers or, indeed, even the Chief Minister from among the nominated Members?—Of course, the same difficulty comes in, because I was not present at the discussions.

9209. I am asking your view upon it?—My personal opinion is that there ought to be no nomination, and positively no Minister should be appointed from the nominated members. I do not want to pursue the matter in detail, over which there has been a good deal of detail already, but may I draw your attention or Bhai Parmarand's attention, whoever is more connected with the matter, to paragraph 8 of your Memorandum No 57. I want to understand the exact implications of this sentence, "Owing to the fast of Mahatma Gandhi and the natural anxiety of the people"—I stress the word people—"to save his life, the Poona Pact was hurried through." Was it hurried through by the people—was it hurried through by the Government, or is the suggestion this, that people agreed to it under the shadow of the fast, as it were, without understanding the full implications of it?—I have already explained that position more in detail. I will repeat it, if you like. That supposing Mahatma Gandhi had put forward those proposals, in ordinary circumstances, when the threat of his death was not there. I am positive that that Poona Pact would not have been accepted by the people in India.

9210. Then may I take it that the position is this, briefly, that the people did accept it, but they accepted it under those peculiar circumstances?—They wanted to save the life of Mahatma Gandhi at any cost.

Sir Austen Chamberlain.

9211. How does the Witness expect Parliamentary Government to work in India if a distinguished individual can cause a whole Party to vote against their convictions by threatening to fast to death?—I had better not reply to that question.

Mr. M. R. Jayaker.

9212. Do you not think that the establishment of democratic institutions will destroy this kind of hero-worship?—I hope so; it is expected to do so.

Mr. Zafarulla Khan.

9213. My next question is directed to Bhai Parmarand, and it is this. Is it the fact that he became aware of the terms of the proposed Poona Pact before it was accepted by His Majesty's Government?—(Bhai Parmarand.) Yes. I became aware of it, and was informed by the Government of the Punjab. My opinion was asked with regard to it. I told the then Governor of the Province that I did not care for the life of an individual, but the nation's necessities were more important. In my opinion, the decision of His Majesty's Government was better than that given by the Poona Pact.

9214. On the occasion to which you refer, was any other leader from the Punjab asked his opinion?—Yes, two other gentlemen were asked, the Minister for Local Self-Government of the Punjab and a Member of the Council of State. Both of them approved of my opinion, but they said that they were in an awkward position, and they said: "We do not want to oppose it, having regard to the life of Mahatma Gandhi."

Dr. Shafa'at Ahmad Khan.

9215. They agreed?—In a way, they agreed under the pressure of the Government of Bengal.

9216. There was no pressure of any kind?—There was pressure, in this sense, that the answer was demanded within one hour. No time was given to consult any other person. We were called by telephone all of a sudden, and we were there for an hour talking together and we were to give an answer definitely on that point and nothing else—pressure of time without consultation, and, of course, pressure of the Government in a way also that they wanted it in a hurry. The Governor said he must reply at once, and the Government wanted it at once, so they kept quiet over the matter or did not oppose it, and it was accepted.

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Mr. Zafrrulla Khan.

9217. I shall not press that any further. An opportunity was given, although you consider it was too brief?—Yes. Then I came to learn that cablegrams had been sent over here.

9218 After His Majesty's Government had accepted the Award and the Poona Pact?—Yes. That was too short a time, within one hour or two hours.

9219. Pandit Nanak Chand, may I ask you one or two questions upon one or two aspects of certain matters that you have put before the Committee? Will you kindly have page 119 of the White Paper before you, a page to which I have already drawn attention, List III—concurrent list of subjects?—Yes.

9220. You expressed a certain amount of anxiety with regard to some items entered in this List, particularly Nos 1 and 2?—Yes.

9221 And said that this would leave power to the Provincial Legislature to restrict rights of appeal and possibly to restrict periods of limitation, to the prejudice of certain classes?—Yes.

9222 Do you realise that in this concurrent list the Provincial Legislature would have power of legislating only with the previous sanction of the Governor-General, and that unless they satisfied the Governor-General that legislation was really necessary under these heads, different from general All-India legislation, permission would not be granted? If you have not considered that question, I put it to you that it is so?—(Pandit Nanak Chand) I have considered it, but I believe mistakes are possible, but I say that this civil procedure, including the law of limitation and jurisdiction, powers and authority of all Courts, are made also concurrent subjects, there is likely to be a great chance of there being different laws of proceedings and limitation, and when perhaps there is a certain amount of confusion, the Federal Government will step in, passing another law, when the mischief has been done.

9223 The aspect to which I was drawing attention was this. There could be no legislation by a Provincial Legislature with regard to any subject in the concurrent list, except with the previous sanction of the Governor-General?—The Punjab Land Alienation Act is an instance of that, when, with the previous consent of the Governor-General, that Act was passed, and it is discriminatory

in character, so, I say, these things are liable to happen in the various Provinces under the influence of the communal majorities. Governors and Governors-General are, after all, human beings, and they are influenced in these considerations by their communal majorities.

9224. As you are so anxious about the Punjab Land Alienation Act, may I put to you one question with regard to it? I find it rather difficult to understand the point of your reference to paragraph 122. I put it in this way. Without going into the details of your objections (I do not accept your objections) with regard to the Land Alienation Act, I perceive your trouble is that you do not agree with the definition of "agriculturist" included in that Act, and would wish to have it changed, in the sense that you have explained to the Committee. Is that not so?—Yes.

9225. If paragraph 122 remains exactly as it is, surely it is still open to the local Legislature to amend that definition? Paragraph 122 would not stop the amendment of that definition as you desire it?—By the Punjab Local Legislature.

9226. The Punjab Local Legislature could, if they accepted your definition, accept that definition instead of the present definition?—Quite so. But the question is, when they have a majority, as they have in the Punjab Local Legislature, it is impossible that they should change the definition.

9227. Surely you could convince the present Legislature that the definition is wrong, long before the coming into force of the new Constitution, if your view were accepted as just; it could be carried into effect?—Let me say this, that so far as the constitution of the Punjab Legislative Council to-day is concerned, out of 71 members of the Punjab Legislative Council elected members, 50 belong to the privileged class or tribe. It is not a Muhammadan-Hindu question at all. It is a question of privileged class versus non-privileged class, and I know that in the first Legislative Council, out of 71 present, 48 members belonged to the privileged class. The Ministers at that time brought a very harmless Bill before the Council, asking permission for the public at large to buy lands from agriculturists for industrial purposes. That Bill was defeated. The question is this that in order to get the Bill considered on its merits there must be proper reflection of the strength of the non-agriculturist

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population in the Legislature; that is to say, they should be 50 per cent. which is their population basis, and such thing is impossible with the land being the chief qualification for the vote, which it now is. It would be impossible, if you made land the chief qualification, to get the proper number of non-agriculturists in the Council. You must get at least 50 per cent., if you want to have that question discussed or debated purely on its merits. That is impossible, because the land is the chief qualification for the vote.

9228. May I proceed in this way? I am afraid I could not have made my point clear to the Committee. The only point I am putting to you is this: Surely you do not desire the Joint Select Committee to report that the definition contained in the Land Alienation Act should be amended even if they agree with you on the merits, but what I am suggesting to you is that this is a matter which can be dealt with in the local Legislature. You think your definition has not much of a chance of being accepted, but surely it is not a matter for the framing of the Constitution?—My submission before the Joint Parliamentary Committee is this, that the Punjab Alienation Act has a constitutional aspect and, as such, it is within the purview of the Joint Parliamentary Committee to give its decision thereon. I will try to show you. The Joint Parliamentary Committee is considering the right of vote, and property is the main qualification for the right of vote. Under the Punjab Land Alienation Act people are prevented from purchasing agricultural land, and therefore they are unable to acquire the primary or the most important qualification, which is the possession of agricultural land. In the Punjab further, the possession of agricultural land in rural areas gives them the right to purchase house sites, otherwise it is impossible under the customary rules of the Punjab Pre-emption Act for an ordinary person to purchase house sites, thus the person is deprived of the right of acquiring a vote through immovable property.

[Chairman.] Will you try once more to get an answer to your question, Mr. Zafrulla Khan?

Mr. Zafrulla Khan.

I think I had better leave it alone. I want to make this absolutely clear because it has a constitutional

[Chairman.] That is a different matter. I have not the slightest desire to prevent you saying anything, but I do suggest that when Mr. Zafrulla Khan puts a question it is just as well that we should have an answer on the notes, and unless I misunderstood the question, the statement we have just listened to does not constitute an answer to Mr. Zafrulla Khan's question, but perhaps he thinks it does.

Mr. Butler.

9230. Would not you like these points considered by the future Legislature, and, if we omit the words which you suggest it would remove the matter from the future Legislature?—I submit it would be impossible under the present conditions to get any satisfactory discussion or consideration of this question from the Punjab Legislative Council.

Mr. Butler.] That is a different matter. That is alluding to the present Legislature. We are discussing the Legislature of the future, and, as I understand your wish, you would not wish these matters to be removed from the competence of the future Legislature.

Marquess of Lothian.

9231. Their proposals for the modification of the Franchise as set forth in paragraph (3) under "Punjab Assembly" in your Memorandum, is the practical remedy which you ask for the objection which you now raise to the proposal?—That is quite true. I do not want land to be the main qualification in the Punjab for the acquiring of the vote.

Mr. Butler.

9232. That is another matter from Proposal No. 122 which we were discussing, although it has a bearing on it?—(Dr. Moonje) May I supplement the answer by saying that it is an essentially constitutional point. I do not want that any law should be there which can disenfranchise any particular body of people. That is the one aspect, and I do not want that the Constitution should be so framed as to prevent any class of man from choosing any occupation they like in the freedom of their choice, so I am looking at the Land Alienation question from a purely constitutional point of view, therefore it is a subject which lies within the purview of the Joint Parliamentary Committee.

Mr. Zafrulla Khan.

9233. With all the wish in the world, not to protract my questions this has



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been my difficulty throughout the day, that answers coming from different quarters of the batch of witnesses now in the witness box make the matter so confused that I really cannot follow several aspects at all. Pandit Nanak Chand tells us that if the definition of an agriculturist were changed in the Act he would have no objection to it?—Yes

9234. That is to say, whoever falls under his definition may be protected, and, people outside that definition, may be debarred from purchasing land, but you told us nobody should be debarred. Whose answer shall we take? Would you have any objection to any definition, or would you agree with Pandit Nanak Chand that people who are not connected with agriculture personally may be debarred, and people who are connected with agriculture should be put in the definition? So far as the right of acquiring land is concerned you are restricting it, and preventing a certain class from acquiring franchise qualifications?—So far as particular Acts are concerned Pandit Nanak Chand said that if the definition of those particular things could be modified it would meet his point. My point is that this question of land alienation is essentially a constitutional point, for the Constitution should not be so framed that a certain portion of the community should be disfranchised, and a certain portion of the communities should be prevented from making a free selection of the occupations they would like to have. Therefore it is essentially a constitutional problem.

9235 I find myself unable to make myself clearer by putting questions on this point, so I will leave it there. I have one or two other questions. I do not want the whole of my time to be spent over the Land Alienation Act which, surely, is a local matter. Mr. Chatterjee, may I put one or two questions to you which again, if you find difficult or inconvenient to answer, you need not. I shall try to make them as general as possible, and I wish to direct them to one or two aspects of matters mentioned to you which I think are rather helpful, but they have not been noticed by you. May I assume that your view is that a person elected to a Legislature by a joint electorate is likely to be very much more satisfactorily representative from the general point of view than a person elected by a separate electorate, and that to the first kind of person elected by a

joint electorate you would have no objection whatsoever on the ground of numbers, because his quality would be better. That being so, I rather thought that these six seats, or more, according to you, out of the 20 special seats in Bengal which you think might go to the Muslims is rather a helpful feature of the distribution of seats, if as many as six are likely to be captured to Muslims, they will be Muslims, to which you will have no objection whatever?—(Mr. Chatterjee.) They will be far less open to objection.

9236. So really you would add them up to the 119 of the communally-minded Muslims?—It would be impossible for those six gentlemen to stand by themselves, it would not be possible. They would have to put in their lot with the 119.

9237. As to that opinions might differ, and, as it is a matter of opinion, I shall not press you further with regard to that. I find from the Memorandum that you yourself are a member of the Bengal Legislative Council?—Yes.

9238 I hope you are a member of the national outlook as compared with the communal outlook?—I hope so.

9239. Have you by any chance been elected by a joint electorate, or by a separate electorate?—At the present moment the electorate is separate.

9240. There are some joint constituencies, for instance, you are not representing one of them?—No.

9241. Mr. Bannerjee, are you also a member of the Legislative Council in Bengal?—(Mr. Bannerjee.) Yes.

9242. May I hope that, like Mr. Chatterjee, you are also a nationally-minded member?—I hope so.

9243. And also that you have been elected by a separate electorate?—Yes. There is no other electorate. There are no joint electorates.

9244. So, may I take it generally, that even under the present system separate electorates and constituencies do return members to the Legislatures who are nationally-minded?—Because we do not want separate electorates. We go there with a joint electorate mentality. We do not want separate electorates; they have been forced upon us.

9245. In spite of that, in the case of gentlemen like you who do not have joint electorates, and who bring to bear a national outlook upon affairs of State, it is possible for them to be returned?—Yes.



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*Sardar Buta Singh.*

9246. With your permission, I want to put one or two questions. Pandit Nanak Chand, I would draw your attention to this very document which you produce to-day, which is called "Statement showing the proportionate representation of the various communities serving in the different Departments," and so on. I want to draw your attention to Item No. X, "High Courts," because we have talked of the High Court to-day, and you have complained that the members who belong to the notified agricultural tribes at certain times have moved resolutions in which you think they have tried to interfere in the working of the High Court. May I tell you that we have got here in this heading No. X, "High Courts": (a) Ministerial Officers, (b) Superintendents, (c) Clerks, and then again, Subordinates to the High Court, Clerks of the Court, and other Clerks, and you may take it from me that as regards (a) Ministerial Officers, out of (a) there is not a single Sikh, and out of (b) there is not a single one who belongs to my community, and, out of 178, there is only one Sikh; and as regards these head clerks and other clerks, I will not take up the time of the Committee, but I will tell you the percentages, 66.7, 27.5, 48.9, 45.1, and 54.9. What is the proportion of population that you claim in the Punjab?—(Pandit Nanak Chand.) You are proving my point. My answer is that this very mentality which has been exhibited here is always exhibited in the Punjab Legislative Council. The distribution of posts is not looked upon purely from the point of view of merit, but purely from the communal or caste point of view. This is a mentality which I deplore, and this is a mentality which will increase if communalism is made the basis of your Legislatures and local bodies, and this communal spirit will enter, and is entering, the public services of the community.

9247. I want only direct replies. My question is a very direct one. My community have grievances, and if I bring forward a resolution in my Council to redress these grievances what is the complaint which my friend is going to make?—I just want to know to which community you refer, whether it is the Sikh community, or the agricultural tribes community.

9248. The Sikh community?—You have my full sympathy.

9249. You have been trying to put your case in a not very fair and just manner. You would agree with me?—What I have all along submitted is that I do not want communal or caste considerations in the filling up of public posts, but if, for any minority community these considerations are accepted, then for the Sikhs and the Hindus of the Punjab the same considerations should apply.

9250. There is another aspect which you have tried to urge, and that is this. I draw your attention to your memorandum where you say that under this Punjab Land Alienation Act the poor proprietor has practically to sell his land at half-price?—Certainly.

*Sardar Buta Singh.* [If I tell you—and this is the opinion of the majority of my people in the Provinces—that before that Land Alienation Act was passed if the money was borrowed by a zamindar from a money lender, after a certain time, at compound interest, poor fellow, he had to give the whole of his land to the money lender.

*Chairman.* [I am very sorry, but I do not think I quite followed the whole of that question. Could we have it repeated?

*Sir Austen Chamberlain.*

9251. May I make an appeal that we should remember that we are examining witnesses and put questions to them and not make lengthy statements?—(Pandit Nanak Chand.) I would request my friend to read from page 209 of Darling's Book "The Punjab Peasant in Prosperity and Debt". He is an Indian Civil Servant and he knows the Punjab very well and he has given the reply to this question at page 209.

*Sardar Buta Singh.*

9252. You say in your memorandum that arbitrary distinctions between martial and non-martial races should be abolished?—Yes.

9253. You say so?—Yes; I say so.

9254. If I may I will draw your attention to a fact dealing with that because we happen to be connected with certain tribesmen who were sent to the front; afterwards we received a letter that certain specified persons should not be recruited because they have no traditions whatever to be in the Army, and they had proved to be absolutely unfit for

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Army service Would you agree with me that there are certain tribes and communities whose traditions are such that they are best fitted as Army material?—I say people should be taken on the ground of their fitness and efficiency, no matter to whatever tribe or caste or religion they may belong, and this was what was promised to us when Sir H. Gidney and Dr. Ambedkar raised this question at the Third Round Table Conference. The Secretary of State was pleased to give an assurance that it is individual fitness and efficiency that shall be taken into consideration for the recruitment of His Majesty's forces, and not any particular tribe or caste.

9255 You say in your memorandum "The debates of the Legislative Council of the Punjab will show that these tribes want (1) that the sources of revenue of the Punjab Government from land tax and water rates should be very substantially cut down" Is it not a fact that during recent years on account of heavy fall of prices agriculture has been hit very hard?—I have been a member of the Punjab—

9256. Please answer the question?—I am supporting what I have stated. I have been a member of the Punjab Legislative Council since 1924, and the water rates were increased in 1925 There has always been an agitation among the so-called agricultural tribes that these water rates should be substantially cut down. Similarly there have been efforts made that the land tax should be substantially reduced. My point, which I have expressed here, is this that the land should not be the monopoly of any particular caste, because if it became the monopoly of any particular caste, it would be very easy for them to get a reduction of these sources of revenue of the Punjab Government namely the land tax and water rates. I have full sympathy with the reduction of land tax and water rates whenever any emergency arises, and I have always supported these demands for reduction for temporary purposes whenever there was an emergency, but I am here expressing the view that if the Punjab Legislative Council is full of particular castes or tribes which alone can monopolise the land, there is a great danger that in the near future the land tax and water rates, which are the principal sources of revenue of the Punjab Government will be sub-

stantially curtailed and it will result in great confusion

9257. Only one more question. You have laid great stress on the fact that members of an agricultural tribe can take to certain other professions, they should not remain as agriculturalists. I want to put this aspect of the case. Supposing I am an agriculturalist, and I take to law and become a lawyer, and I have four sons?—Have you?

9258 Yes, you can take it from me. I want to put this to you There is a great difference between agriculturalists in this country and in my Province. They are following a hereditary profession in our country, and if one is an agriculturalist practically always one's sons are agriculturalists?—Not necessarily.

9259. In my Province that is so; I can trace it for many generations. Then supposing I am an agriculturalist, what can I do with my son, if he is not qualified for that profession he naturally cannot follow that profession?—It is your own concern.

Lord Rankellour.

9260 I have a few questions to put. As regards the Hindus of Bengal, did they accept the original award of the Prime Minister before the Poona Pact was entered into? Were they satisfied with that, Mr Chatterjee?—(Mr. B. C. Chatterjee) The original award made by the Prime Minister?

9261. The original award that the Prime Minister made before it was modified by the Poona Pact? Were the Hindus of Bengal prepared to accept it?—They made no complaint against it because it was on the basis of a joint electorate. (Mr. J. Bannerjee) They made no complaint against the Prime Minister's award so far as the representation of the depressed classes was concerned. The grievance was as regards the number of seats that had been given to the Mahomedans (Mr B. C. Chatterjee) Perhaps there is a little misunderstanding. What I said was that we accepted the Prime Minister's award in so far as it related to the depressed classes, certainly we did. We did not accept the award in so far as it related to the division of seats between Hindus and Mahomedans.

9262. You did not accept the Prime Minister's award in regard to that?—No.

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9263. Now, Bhai Parmanand, give me an answer relating to the Punjab Hindus. Were they prepared to accept the original award of the Prime Minister before the Poona Pact?—(Mr. Bhai Parmanand.) Undoubtedly so. So far as that point was concerned we, of course, accepted it.

Mr. Zafrulla Khan.

9264. Is it the fact that by the Prime Minister's award no seats were awarded to the depressed classes in the Punjab?—Yes. No seats were awarded because the Government had unanimously represented that the depressed classes question did not exist in the Punjab, so we were satisfied.

9265. You had not raised any other objection?—With regard to the other communal settlement and the other parts, we were objecting to it.

9266. You were objecting, and you never accepted that either?—No.

9267. Dr. Moonje, does the Hindu Mahasabha still claim to be the representative of the orthodox Hindus?—(Dr. B. S. Moonje.) It represents all sections, orthodox and non-orthodox, Reformers, Aryasamajists, Jains, Buddhists and everybody. There are certain differences only on certain points, but in all those respects that we have been discussing here the Hindu Mahasabha is fully representative.

9268. The orthodox Hindus do not object to it?—Only on two points, only so far as they have sent a memorandum have they a different opinion, but on those questions which are being discussed at the present moment the Hindu Mahasabha can represent them.

Dr. Ambedkar.

9269. May I put a supplementary question? Do I understand that you include the depressed classes also in your Hindu Mahasabha? Do you claim to represent them?—My contention is that I represent also the depressed classes and my friend, Mr. Gavai, who is sitting by my side, is a representative of the Depressed Classes on the Deputation of Hindu Mahasabha, and it has never been proved whether Dr Ambedkar represents the majority or whether Mr. Gavai represents the majority among the Depressed Classes.

9270. That is a different matter. I know, do you represent the depressed classes?—I represent the

majority portion of the depressed classes also.

9271. As far as I am concerned I absolutely disagree with that position. What does Mr. Gavai have to say? I still repeat the fact that the depressed classes do not belong to the organisation that Dr. Moonje represents. So far as his memorandum is concerned I know as a matter of fact that the Hindus of the Punjab have repudiated it?—What?

Dr Ambedkar.] That part of your memorandum No. 57 has been repudiated by the depressed classes of the Punjab.

Lord Rankenllour.

9272. I should like to refer to Section 70 of the Memorandum No. 60 headed "The Police". In the second paragraph it is suggested that there should be a statutory committee to assist the Minister responsible for law and order in his duties. Might I ask you, Pandit Nanak Chand, how you think that such a committee would help the Minister?—(Pandit Nanak Chand.) Considering the special conditions of the Punjab I propose that there should be a Minister who will always depend upon a communal majority in the Council and that there should be a committee to help him representing all the principal communities living in the Punjab. There are, I know, and undoubtedly you must be aware, about 700 murders a year in the Punjab ordinarily, and there have been grave communal riots during the past 10 or 12 years, during the working of the reforms according to us due to the communal nature of the system of government introduced under the Montagu Council Reforms. There is one particular instance which I wish to bring to your notice.

Sir A. P. Patro.

9273. What is the answer? We are going into history?—This is the answer I am giving that I want all the principal communities in the Punjab to be represented on a Committee to be appointed by the Governor under Statute to help the Minister in the carrying out of his onerous duties of maintaining law and order in the Punjab.

Mr. Zafrulla Khan.

9274. I do not know whether Lord Rankenllour is satisfied, but I thought his question was in what way such a committee would be expected to help?

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By taking part in every way in discussing all the questions which a Minister has to administer in the carrying out of his police duties.

*Sir Austen Chamberlain.*

9275. May I interpose one question. To whom is the Minister to be responsible—to the Legislature or to the Committee?—The Minister would be responsible to the Legislature but in case there is a difference of opinion between the two, the Governor will intervene. My point is that ordinarily the Governor's power of intervention is for when there is something very extraordinary or grave. There are matters which will not come to the knowledge of the Governor if there is a communal majority in the Council; it will be the duty or rather the outlook of those people to keep back this information which is essential for the maintaining of law and order in the Punjab. If there was a statutory committee of this kind representing all the majority communities, the Governor would be kept in touch with what goes on in the province.

9276 Is the Committee to advise the Minister or to advise the Governor?—I take it that the function of the Committee would be both to advise the Minister and give information to the Governor, when the Minister does not act at once, or in case there is necessity for action. I should like to give you an instance.

9277. I do not want instances; I want to find broadly what your purpose is?—My purpose is that as in the Punjab there are three principal communities, it is absolutely essential, when you introduce communal domination in the Punjab, that the Police should be safeguarded in the best possible manner, and this I regard as the best possible manner to suit the circumstances of the Punjab, that there should be representatives of all the communities on this Committee, which would be in the nature of an Advisory Committee to the Minister, but if the Minister fails to do his duty, then the Committee or any Member of it can inform the Governor that he should intervene.

9278. The Minister should be guided, in your opinion, by the advice of the Committee?—(Pandit Nanak Chand.) Certainly

9279 And not by the vote of the Legislature?—Certainly not.

9280. In other words, if he prefers the advice of the Legislature to the advice of the Committee, then you want the matter transferred to the complete disposal of the Governor?—Certainly, that is my point.

9281. You distrust the Legislature?—Yes, I do must certainly distrust a Communal Legislature.

9282. And you trust the Governor?—I do when it is a Communal Legislature. That is my grievance. It has been the grievance of the Hindus throughout. I want to give you a very good instance, if you will permit me—it is only one instance. One, Raj Pal, was murdered by a Muslim because he happened to write something against the Prophet in reply to a pamphlet published by a Muhammadan. When the Muhammadan was hanged and his body was delivered to the people 150,000 Muslims assembled in Lahore to do honour to this murderer, including gentlemen who held very high positions in society, some of them members of the Round Table Conference.

9283. I doubt the wisdom of giving that instance, which may provoke parallel instances?—Quite so, but my submission is that, in a communal system of government, it is absolutely essential for law and order to be properly maintained. It is with that view that I propose this Committee, consisting of the members of the various communities and a European, to help the Minister in his very delicate task.

*Sir Manubhai N. Mehta.*

9284. May I move the deletion from the Notes of this instance, as it only exacerbates feeling?—Instances were given on the other side. It was sought to be shown that all Hindus were in sympathy with murderers, and here is an instance I am giving on the other side—if anybody can contradict me, very well—of 150,000 people assembled in Lahore to do honour to a murderer. Why should it be taken out of the Notes?

*Sir Hari Singh Gour.*

9285. It is not everything that a witness says which is going on the Notes. It is in the discretion of the Lord Chairman and the members of the Committee and the Indian Delegates to see that the Notes contain only what we consider to be necessary for the recording of the proceedings. If any improper questions are put and improper replies are given, even

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though a witness wants it to go on the record, it does not follow that such questions and replies should go on the record?—I strongly object to the use of the phrase, “improper answer”. It is not the question of a proper answer. This is a most important question which is a matter of life and death affecting 45 per cent. of the people in the Punjab. You entirely fail to understand our feelings—you ignore our feelings in this regard.

Lord Rankellour.

9286. Your view really is this. It is necessary for the Minister to have some support, otherwise the communal pressure would be too great?—So far as the Punjab is concerned, I only speak with regard to the Punjab, but so far as that is concerned it is absolutely essential.

9287. Would you apply that everywhere?—Wherever minorities feel apprehension—I said this at the Round Table Conference and I say it now—they are welcome to have that safeguard.

9288. You would apply that to Madras?—Certainly, if a minority want it I do not object to it. (Dr. Moonje.) In this connection, if permission is given to me, I would explain the position of the Hindu Mahasabhas as representing the Hindus.

9289. You mean if there was an application from the minority in any Province you would give them some assistance of this kind in any Province?—(Pandit Nanak Chand.) Yes; if a case is made.

9290. I was not quite clear about something which was said about the High Courts earlier on. Am I right in thinking that, though the judicial decisions of the High Court cannot be canvassed in the Legislature, the status of the High Court may be impaired by debates on whether they have too much staff or the like? Am I right in saying that that is what you were intending to convey?—Certainly.

9291. Therefore, you want the High Courts taken away from Provincial jurisdiction?—Certainly, that is my desire. This is what I want. The Government of India have stated in one of their despatches that the High Courts have been brought into discussion in various Provinces by the Provincial Legislature in this indirect manner.

Mr. Zafrulla Khan.

9292. How would you prevent a similar discussion in the Central Legislature?—There would be much less chance of it.

9293. In what sense do you mean?—Because, for example, the Central Government is far away from the capital towns.

9294. But it is not far from that area—it is very near the Punjab?—I think there would be much less chance of it. This is a recommendation of the Simon Commission and two very important gentlemen who have put their comments in favour of it before the Round Table Conference.

Sir Hari Singh Gour.

9295. Do the Pandit's views represent on this subject the sentiments of the Hindu Mahasabha?—(Pandit Nanak Chand.) Yes, that is what I was explaining. The Hindu Mahasabha's position is that, whether we are in a minority or in a majority in a Province, or whether the Muslims are in a minority or in a majority in a Province, there is no objection to popular franchise.—(Dr. Moonje.) The Hindu Mahasabhas are absolutely confident of their position in this matter. I defend this even when the mode of election is transferred. (Pandit Nanak Chand.) I have a special mandate from the Hindus of the Punjab on this matter. I represent them, and I submit Mr. Bannerjee and the other gentlemen cannot speak for the Hindus of the Punjab. I have been nominated to give evidence by all the Hindu members of the Punjab Legislature who are in our Group except two. Authority was given to me to represent them in a Conference which was held at Mooltan. I knew this objection would be raised by people who live in the other Provinces, and so I have taken great care to arm myself with this authority, and, therefore, on that authority, I am making my statement on this question.

Lord Rankellour.

9296. You are probably aware that, with regard to different subjects both a Central and Provincial Legislature would have power under these proposals to limit the jurisdiction of the High Courts—to limit their appeals, for example, and give more power to the subordinate Courts?—That is what I do not want. I should say it should be a central subject.

9297. You say it is of the higher importance “that the public confidence in the administration of the judiciary should be restored and strengthened.” Do you imply that confidence in the High Courts has been impaired?—No, not with regard to the High Court but with regard to the

31° *Juhi*, 1933.] Dr. B. S. MOONJE, Mr. B. C. CHATTERJEE, [Continued.  
Mr. J. L. BANNERJEE, Mr. G. A. GAVAI, RAI SAHEB MEHERCHAND KHANNA,  
Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND.

subordinate judiciary—I mean since the subordinate judges are being recruited on communal grounds, and also on the ground that the Zemindars, what are called the landowning classes, it is claimed should be taken in such numbers. There the communal bias is increased in the judicial appointments, and there has been an increase in communal bias in all departments since the time when communal considerations were made the basis for filling posts.

9298. Would you be satisfied if the jurisdiction of the High Court over subordinate Courts, which is very largely exercised now by consent, was made legal?—Quite so. I want that.

Mr. *Zafrulla Khan*.] The position of the High Courts over the lower judiciary is not by consent—it is by law.

Lord *Rankellour*.] Surely in some respects Provincial authorities allow the High Court to do things in the matter of appointments which they could keep in their own hands.

Mr. *Zafrulla Khan*.] That is not a question of jurisdiction

Lord *Rankellour*.

9299. They have the “powers and authority”?—(Pandit *Nanak Chand*.) So far as filling up posts is concerned, the rules are laid down by the Government. The High Court merely carry them out according to the instructions of the Government. What I submit and what I think is in your mind is that this control of the High Courts over the subordinate Courts should be kept free from communal and other influences, and, therefore, the High Courts should recruit these people on the basis of pure merit.

Dr. *Shafa' at Ahmad Khan*.

9300. Are you aware of the fact that the proposal of the Simon Commission to centralise the High Courts made in 1930 was opposed by an overwhelming majority of the Local Provincial Governments?—I do not know.

9301. Have you read the Despatches published in 1930 by the Local Provincial Governments on this question?—The Local Provincial Governments may have done so—I do not dispute that.

Mr. *Zafrulla Khan*.

9302. On the question of the appointment of the subordinate judiciary, may I ask whether, so far as the Punjab is concerned, it is not the fact that the selection of candidates is made by the

High Court dependent on whether they possess or do not possess certain qualifications belonging to rules framed by themselves, apart from any question of proportions?—It is now done by competitive examination, and I am very glad of that.

9303. That is by the High Court?—That is by the High Court, but as to how many Zemindars should be taken and non-Zemindars should be taken, that is a question of direction of the Local Government.

Mr. *Zafrulla Khan*.] The proportion as laid down by the Local Government in consultation with the High Court, but the actual selection and examination is done by the High Court.

Lord *Rankellour*.

9304. You would be content if these powers were exercised by Statute by the High Court?—Yes.

9305. The other day when we were discussing the franchise question I asked Sir John Kerr about the schedules to the Depressed Classes with a view of forming a register, and he told me those schedules would be generally accepted. I rather gather from what has fallen from you to-day that you would not accept that?—My position and the position of the Punjab Hindus, and not only the Punjab Hindus but the Punjab Government and the Sikhs and Mohammedans in the Punjab, has been that there are no Depressed Classes in that sense in that Province—there are none. Therefore, no recommendation was made by the Lothian Committee or even by the Simon Commission on this point. We have been forced to accept the schedules, and everybody now is clamouring to get into that schedule.

Major *C. R. Attlee*.

9306. I think the witness is not correct in stating that the Simon Report said that. They said there was a depressed class in the Punjab but their situation is much nearer the general run of the poorer classes?—I accept that correction.

Lord *Rankellour*.

9307. Would these Schedules of depressed classes that appear in the appendix to the White Paper be generally accepted in Bengal?—(Mr. *Chatterjee*.) No, not at all.

9308. You think Sir John Kerr was mistaken in thinking they would be?—Yes, I think so.

31<sup>st</sup> July, 1933.] Dr. B. S. MOONJE, Mr. B. C. CHATTERJEE, [Continued.  
Mr. J. L. BANNERJEE, Mr. G. A. GAVAI, RAI SAHEB MEHERCHAND KHANNA,  
Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND.

9309. A problem might arise with regard to these people being put on the register?—I know personally a great many castes who have been put on the Schedule have sent in protests against being included in the Schedule. If I may say so, the Lothian Committee gave a very exhaustive definition as to who is to be considered a depressed class man and formulated the two criteria of untouchability and approachability. If those criteria are applied in Bengal it would be found that the highest number which might conform to those criteria would not exceed between 900,000 and a million.

9310. We cannot take these Schedules as final?—No.

Mr. R. A. Butler.] The Schedule is marked "Provisional."

Lord Rankeillour.

9311. I know that?—(Mr. Deshmukh) So far as this schedule is concerned, may I point out that in C.P. list actually one class is included in it which is not untouchable at all, that class is the "Kohis." I brought this to the notice of the Under-Secretary of State for India the other day. I wish to refer to it so as to show you how the schedules are defective and need amendment even with regard to a province, where untouchables are well defined, as they undoubtedly are in C.P. There is no doubt that the schedules cannot be taken to be final

Marquess of Zetland.

9312. Mr. Chatterjee has answered so many questions with such consistent good temper to-day that I hardly like to put further questions to him, and I will only ask a very few questions to clear up one or two points which have not been made quite clear in the course of the examination to-day. Since Lord Rankeillour has touched upon the question of the depressed classes let me ask this question about the depressed classes in Bengal. I find that the Rajbanshi are scheduled to be put in the category of depressed classes. When I was in Bengal the Rajbanshi claimed to be Kshatriyas—is not that so?—(Mr. Chatterjee) Yes.

9313. Can you give me any reason why the Rajbanshis should be described as depressed classes?—No, no reason whatever. They have taken on the Sacred Thread and they have always claimed to be Kshatriyas. Before the Lothian Committee the gentlemen who came to give evidence said they were Kshatriyas and

the Lothian Committee said that the Rajbanshis cannot be included among the depressed classes?—(Mr. Bannerjee.) May I put it in this way? The Rajbanshis object even now to be described as "depressed" classes—they prefer to describe themselves as the scheduled classes, which is a very different thing. (N.B.—This is a question put by the Marquess of Zetland.) The effect, therefore, of the Poona Pact will be to do the very thing which Mr. Gandhi desired to avoid doing. (Mr. Bannerjee.) Undoubtedly.

9314. Its effect, undoubtedly, will be to create an unwarranted and purely artificial division between two Hindu peoples?—Absolutely.

9315. One or two very short questions with regard to the position of the Bengal Legislative Council in future. The ground has been covered very largely already. But I want to say this. The impression which has been created on my mind by the questions which have been asked and by the answers which have been given on this question to-day is that separate communal electorates are really incompatible with responsible parliamentary government as we understand it in this country?—(Mr. Chatterjee.) Yes, we have been brought up on the pure milk of the old parliamentary doctrine.

Mr. Zafrulla Khan.

9316. Do you mean in Bengal particularly?—Oh, no.

Marquess of Zetland.

9317. That is your position, I understand?—That is the position we have taken.

9318. But we have to recognise the fact that separate communal electorates are already in existence. We have separate communal representation in the Bengal Council as it is to-day?—May I respectfully remind you that the special communal electorates were added only for the protection of the minority.

9319. I know that and I am coming to that but the fact remains that we have separate communal electorates in Bengal at the present day?—Yes.

9320. I want to be quite sure how the Bengal Legislative Council of the future, if the proposals of the White Paper are retained, will compare with the Bengal Legislative Council of to-day so far as the distribution of seats between the Hindus and Muslims is concerned. How many members are there of the Bengal Legislative Council at the present day?—(Mr. Bannerjee.) 140.



31<sup>o</sup> July, 1933.] Dr. B. S. MOONJE, Mr. B. C. CHATTERJEE, [Continued.  
Mr. J. L. BANNERJEE, Mr. G. A. GAVAI, RAI SAHEB MEHERCHAND KHANNA,  
Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND.

9321. How many seats are reserved for the Muslims?—40—39 or 40. It is only a question as to one, but it is 40 I think.

9322. How many general constituencies are there open to Hindus?—Your Lordship means non-Mohammedans?

9323. Quite so, non-Mohammedans?—57.

9324. So that under the distribution between these communities to-day the Hindus are a considerable preponderance?—They are in a majority.

9325. I understand—indeed I know from my own knowledge it is so—that the distribution was based very largely on the Pact which was referred to once to-day as the Lucknow Pact?—Of 1916.

9326. Which was an agreement between the Hindus and Muslims on that particular question?—Yes.

9327. So much for the Bengal Council as it exists to-day. The Bengal Council as it would be under the proposals of the White Paper would be something like this. There would be 119 seats reserved for Muslims, but there will be 51 special seats, and there will be 80 seats open to the general community?—Two out of which will be for the Hill tribes so that practically there will be 78.

9328. Under the Poona Pact 30 of those seats will be reserved for the so-called depressed classes?—Yes.

9329. Leaving 50, or 48, seats, according to the computation for the caste Hindus?—Yes, not simply for the caste Hindus, but for the general constituencies—we count that from eight to ten members of the depressed classes may easily come in from the general constituencies.

9330. What I want information about is this. There are 20 special seats?—Yes.

9331. Which will be open to contest between Hindus and Muslims. It has been said to-day that of those 20 seats probably 14 will be won by the Hindus and 6 will be won by the Muslims. If you can I would like you to tell me which of those seats are likely to be won by the Muslims. To begin with there will be 5 seats allotted to commerce and industry which will be open to competition amongst Hindus?—One of the commerce seats will be Muhammadan because such is already the recommendation of the Bengal Government—one seat for the Muhammadan Chamber of Commerce which has very recently come into existence again. There are altogether 8 seats for labour out of which on a very modest computation, at

least 4, will go to the Muhammadans—more may go to them, but 4 certainly will go. So far as the university seats are concerned, that depends upon what the electorate for the Dacca University will be, and that question has not been settled. If the electorate is a quarter of the university then the Muhammadans will certainly come in, but it is contingent upon what the nature of the electorate will be.

9332. You assume that at least 4 of the Labour seats will go to the Muslims?—Yes.

9333. And one of the Commerce and Industry seats, making 5?—And probably one university seat also, and possibly one of the Landholders', the one in the Chittagong Division.

9334. So that under these proposals from your point of view the best that can happen will be that the caste Hindus will have 66 seats?—Not have them, but 66 will be open to them—all of them will not be theirs.

9335. I said 66, but is it that?—48 plus 14 is 62.

9336. I do not want to worry about minute differences of opinion over figures. My point really is that there will be a complete change over in the distribution of seats between Mussulmans and Hindus in the Bengal Legislature of the future, as compared with the Bengal Legislature of the present time?—That is so.

9337. What is really at the root of your objection to the proposals in the White Paper is that it will create a state of affairs which was ruled out by the Simon Commission on the ground that it would give a definite Mussulman majority in the Legislature, unalterable by any appeal to the electorate?—Yes.

9338. That is really the root of your objections to the proposals in the White Paper, as far as Bengal is concerned?—Yes; also there is the artificial splitting-up of the Hindu community set up by the adoption of the Poona Pact.

Mr. Zafrulla Khan.

9339. I hope that Lord Zetland, when he comes to consider this question, will not be unmindful of the fact that the White Paper sets up an unalterable communal Hindu majority in Madras, Bombay, the Central Provinces, Behar and Orissa, and the United Provinces?—(Dr. Moonje) Not by Statute.

9340. The White Paper proposals are by Statute?—No.

31<sup>o</sup> *Juln*, 1933.] Dr. B. S. MOONJE, Mr. B. C. CHATTERJEE, [Continued.  
Mr. J. L. BANNERJEE, Mr. G. A. GAVAI, RAI SAHEB MEHERCHAND KHANNA,  
Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND.

Mr. *Zafrulla Khan*.] I am merely putting this on the record so that when this comes to be considered in this context it will be borne in mind.

The Marquess of *Zetland*

9341. I can assure Mr *Zafrulla Khan* that I shall bear that in mind, but is not that one of the strongest arguments against separate communal electorates?—(Dr. *Moonje*.) Yes.

The Marquess of *Zetland* ] That is the point.

Mr. *Zafrulla Khan*.] The whole point with regard to separate communal electorates is that past experience has repeatedly shown that unless you reserve seats for certain communities they have no chance of getting in. If you reserve them on the basis of joint electorates they are bound to be returned, not according to the wishes of the particular community whom they are supposed to represent, but they are bound to be people who will dance to the tune of those who have had a hand in sending them in. Past experience has shown that so demonstrably and effectively that everybody, even against his wishes, was compelled to support, and to continue, the system of separate electorates.

Sir N. N. *Sircar*.] Have many seats been reserved for majority communities in Madras and other Provinces?

Sir *Hari Singh Gour*.] That is the effect of the proposal.

Sir N. N. *Sircar*.

9342. Have they been reserved, or not?—(Dr. *Moonje*.) No.

Sir A. P. *Patro* ] Under the present system majority community seats are reserved. Madras has an experience of 10 years. It is an experience which must be a lesson to other communities. They were ruled out by the minority community, and they have worked and struggled hard to get into power.

The Marquess of *Zetland*.] My Lord Chairman, perhaps I may say that my only object in asking these questions was to get placed on record the actual facts and the views which are held by the witnesses who are under examination. No doubt other facts and views of other witnesses who hold other views will be obtained and placed on record to-morrow. I want to assure Mr. *Zafrulla Khan* that that is my only object in asking these questions.

Mr. *Zafrulla Khan*.] I am not objecting at all. I am merely placing on record

my view also, so that my view, as well as your Lordship's questions, will be on record.

The Marquess of *Zetland*.] I do not desire to ask any more questions, my Lord Chairman.

Mr. *Isaac Foot*.

9343 I will not ask any questions of a general nature, but there is one question that I would like to put to Mr. GAVAI. Mr. GAVAI, you are here as a representative of the Depressed Classes?—(Mr. G. A. *Gavai*.) Yes.

9344. From what part of India do you come?—I come from the Central Provinces, and Berar.

9345. Do I understand, further, that you support the Memorandum which has been put in by Hindu Mahasabha: you have approved that, have you?—I have my general support to the Memorandum of the Hindu Mahasabha, with the exception that I do not agree with the statement that there are no Depressed Classes in the Punjab.

9346. You do not agree with that statement, but with that exception you approve the Memorandum which has been put in?—I generally approve of it.

9347. Do you hold any official position in representing the Depressed Classes?—I have been a Member of the Legislative Council for the last eighteen years.

9348. Do you hold any official position in representing the Depressed Classes, and are you the head of any Association?—I am the General Secretary of the All-India Depressed Classes Association.

9349. Have you consulted your Association to ascertain if they approve of this Memorandum?—No.

9350. Why have you not taken their opinion?—The time at my disposal was very short, but the President of the Association has written to me to say that I should accompany the Deputation, and I approved of it. I have the general support of the members of the Executive Committee of our Association, but the Association did not meet, and there was no resolution.

9351. Speaking in your own individual capacity, do you approve the Poona Pact?—Yes, I approve the Poona Pact in my individual capacity, and as a representative of the Association; I approve the Poona Pact.

9352. And your Association approves it?—My Association did approve.

31<sup>o</sup> *July*, 1933.] Dr. B. S. MOONJE, Mr. B. C. CHATTERJEE, [Continued.  
Mr. J. L. BANNERJEE, Mr. G. A. GAVAI, RAI SAHEB MEHERCHAND KHANNA,  
Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND.

The Marquess of Lothian.

9353. Dr. Moonje, Mr. Bannerjee, I think I am right in saying, suggested this morning that the franchise proposed in the White Paper was too extensive. Is it the view of the Hindu Mahasabha that it should be restricted from the proposals as put forward in the White Paper?—(Dr. Moonje.) No.

9354. The Hindu Mahasabha approves of it?—Yes.

9355. They do not share the view expressed by Mr. Bannerjee?—No.

9356. It has been suggested that, in the interests of simplicity of working, the Central Legislative, or the Assembly of the Central Legislature, should be elected by some means from the Provincial Legislatures, and not directly by constituencies, because the constituencies are so large, and they would contain so many voters. What is the view of the Hindu Mahasabha upon that point?—That question the Hindu Mahasabha, as such, has not considered, but my personal opinion is that it would be more convenient to have them elected from the local Legislatures?—(Pandit Nanak Chand) Perhaps I may say, with regard to this, that the Punjab Hindus have thoroughly considered this question in all its bearings, and they are of opinion that there should be direct election, and not indirect election.

9357. There are one or two points in your evidence about which I want to be clear. I do not want a long explanation, because I think that your main thesis is quite clearly before the Committee. As I understand your Memorandum relating to the agricultural tribes and the franchise, it is this, that about 50 per cent of the population of the Punjab is scheduled as agricultural tribes, and about 50 per cent. as non-agricultural?—That is so.

9358. Owing to the fact that the main franchise qualification will be property, the agriculturalists will get more than 50 per cent of the representation on the roll?—That is so.

9359. The estimates which I have seen vary between 60 per cent. and 75 per cent; is that your view?—That is the estimate made by the Local Government now.

9360. Am I right in saying that your anxiety is that the members returned by those majority votes may form a block which is interested in the vested interest

in having a prior right to acquire land?—Yes.

9361. That may form the basis of a political party which might then proceed to abuse its powers?—This is what is happening to-day, and it is bound to happen to-morrow.

9362. As I understand it, you propose two remedies?—Yes.

9363. The first is, that the franchise proposals should be reconsidered in the manner that you suggest on page 10, with a view to securing a more level representation on the roll as between agriculturalists and non-agriculturalists? That is so

9364. The second is, that you raise the question under Clause 122 as it is drafted at present, that the Governor, in the event of the abuse of power in respect of the non-agriculturalists, would not have the right to intervene under his special responsibility?—He cannot. If Clause 122 stands as it is, my submission is that he cannot

9365. That is the second point that you want the Committee to consider?—Yes.

Mr. Butler] Arising out of Lord Lothian's cross-examination, you are aware, are you not, that there has been no opportunity of assessing the final proportion of agriculturalists to non-agriculturalists proposed in the franchise proposals, because it cannot be done until a roll is actually made, the figures must be approximate?—That was the position that I took up, but I was told that the Punjab Government has made some estimates, and those estimates were mentioned.

9366. My only point is, that it must be a rough estimate?—It is a rough and conjectural estimate.

Mr. Zafrulla Khan.

9367. Are you aware that the prevention of prejudice to the interests of the minorities and prevention of discrimination between the various classes and interests in a Province are to be separate and distinct powers of the Government?—I do not think so.

9368. Have not you looked at the White Paper and seen that they are described separately under separate heads?—My point is—

9369. Is that so or not? You can explain afterwards?—What I submit is, that this is a distinction which will never be taken into consideration, if there can be a distinction of this kind. If the

31<sup>st</sup> July, 1933.] Dr. B. S. MOONJE, Mr. B. C. CHATTERJEE, [Continued.  
Mr. J. L. BANNERJEE, Mr. G. A. GAVAI, RAI SAHEB MEHERCHAND KHANNA,  
Mr. R. M. DESHMUKH, Mr. BHAI PARMANAND and PANDIT NANAK CHAND

White Paper proposals, and especially paragraph 122, are converted into part of the law of the new Constitution, then the Governor would not be entitled to interfere whenever there is discriminative legislation against the minority, whether the minority be of caste, religion, or race.

9369A. I understand that you, Mr. Gavai, have a short statement to make on behalf of the All India Depressed Classes Association?—Yes, my Lord. I have already said, in my answer to the few questions that were put to me during the tendering of evidence before the Joint Parliamentary Committee yesterday by the Deputation of the Hindu Mahasabha, of which I am a member, that I am in general accord with statement No. 57 of the Hindu Mahasabha.

In respect of the Poona Pact, my personal position and that of the All India Depressed Class Association of which Rai Bahadur M. C. Rajah, M.L.A., is the President and I am the General Secre-

*(The Witnesses are directed to withdraw.)*

(Ordered, that the Committee be adjourned to to-morrow at half-past Ten o'clock.)

DIE MARTIS, 1<sup>st</sup> AUGUSTI, 1933.

Present:

Lord Archbishop of Canterbury.  
Marquess of Salisbury  
Marquess of Zetland.  
Marquess of Linlithgow.  
Marquess of Reading.  
Earl Peel.  
Lord Ker (Marquess of Lothian).  
Lord Irwin.  
Lord Rankeillour.  
Lord Hutchison of Montrose.  
Major Attlee.

Mr. Butler.  
Major Cadogan.  
Sir Austen Chamberlain.  
Mr. Cocks.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Isaac Foot.  
Sir Joseph Nall.  
Lord Eustace Percy.  
Miss Pickford.

The following Indian Delegates were also present —

INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.  
Nawab Sir Liaqat Hayat-Khan.  
Sir Akbar Hydari.

Sir Mirza M. Ismail.  
Sir Manubhai N. Mehta.  
Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan  
Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Mr. A. H. Ghuznavi.  
Lt.-Col. Sir H. Gidney.  
Sir Hari Singh Gour.  
Mr. M. R. Jayaker.  
Mr. N. M. Joshi.  
Begum Shah Nawaz.

Sir A. P. Patro.  
Sir Abdur Rahim.  
Sir Phiroze Sethna.  
Dr Shafa' at Ahmad Khan.  
Sardar Buta Singh.  
Sir N. N. Sircar.  
Sir Purshotamdas Thakurdas.  
Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
 Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,  
 Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

Mr. ABDULLAH YUSUF ALI, C.B.E., Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C., Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD are called in and examined.

*Chairman.*

9370. Khan Sahib Haji Rashid Ahmad?  
 —(Khan Sahib *Haji Rashid Ahmad.*) Yes.

9371. Sir Mohammed Yakub?—(Sir *Mohammed Yakub.*) Yes.

9372. Mr. Abdullah Yusuf Ali?—(Mr. *Abdullah Yusuf Ali.*) Yes.

9373. Mr. H. S. Suhrawardy?—(Mr. *H. S. Suhrawardy.*) Yes.

9374. Dr. Khalifa Shujauddin?—(Dr. *Khalifa Shujauddin.*) Yes.

9375. You are good enough to appear before us this morning on behalf of the All India Muslim Conference and the All India Muslim League and you hand in a Memorandum which is No. 67?—(Mr. *Abdullah Yusuf Ali.*) Yes. It is as follows.—

#### MEMORANDUM 67 ON BEHALF OF THE ALL INDIA MUSLIM CONFERENCE AND THE ALL INDIA MUSLIM LEAGUE

1. The political awakening among the Indian Muslims took definite shape in 1906 when a deputation of leading representative Muslims waited on Lord Minto under the leadership of H.H. the Agha Khan in connection with the contemplated reforms which afterwards came to be designated the Minto-Morley Reforms. This was the nucleus from which was formed the influential body known as the All India Muslim League. This body played an important part in the evolution of the Montford Scheme and generally guided the political policy of the Indian Muslims.

2. The publication of the Nehru report in 1928 caused widespread dissatisfaction amongst the Muslims of India and it was considered desirable to organise all the existing All India Muslim political associations into one compact body representing all shades of Muslim opinion including the Ulama so as to provide a common political platform. This body was named the All India Muslim Conference. Its first meeting was held in Delhi under the presidency of H.H. the Agha Khan and was attended by delegates from all over the country representing all shades of Muslim political thought.

3. The Muslim Conference as well as the Muslim League aim at safeguarding the legitimate rights and interests of the Muslims of India and co-operating with other communities for the political advancement of India. These rights are embodied in the fundamental Resolution of the All India Muslim Conference passed at Delhi on January 1st, 1929. The Muslim attitude towards the system of government to be established in India may be summed up in the following

extract from the first paragraph of that Resolution:—

“The only form of government suitable to Indian conditions is the Federal system with complete autonomy and residuary powers vested in the constituent States, the central government having control only of such matters of common interest as may be specifically entrusted to it by the constitution.”

4. This Resolution embodies the political programme of the Muslims of India, and the Muslim community has adhered to it in overwhelming strength. In India it is the creed of an overwhelming number of Muslims in every Province, while in England, at the three Round Table Conferences which were held in the years 1930-1932, the Muslim delegates regarded it as the most authoritative and representative expression of Muslim feelings and aspirations.

5. The attitude of the community towards the White Paper will be made perfectly clear by the Resolution passed by the Executive Board of the Conference, held at Delhi on March 26th, 1933.

6. As the White Paper does not embody a number of rights which the Muslims deem to be vital to their political interests, they urge that it should be modified to that extent.

7. The Muslims have consistently discouraged unconstitutional action, and believe in co-operation with all the elements of the Indian population for the purpose of making the new Reforms a success. They think, however, that the scheme outlined in the White Paper will not be a complete success until the Muslim community is assured of those rights which the White Paper has ignored.

1° August, 1933.]

[Continued.]

The Muslims earnestly request His Majesty's Government to modify the White Paper along the lines indicated in the Resolution of the Executive Board of the Conference passed on March 26th, 1933, at Delhi. If the suggestions made in the Resolution are adopted, the Muslim community throughout India will render substantial help in making the new scheme a success, and in heartily working the new Constitution.

8. Copies of the fundamental Resolution of the Conference passed at Delhi on January 1, 1929, and the Resolution of the Executive Board of the Conference on the proposals of His Majesty's Government embodied in the White Paper, passed at Delhi on March 26, 1933, are enclosed herewith.

9. We would lay particular stress on the following points:—

#### I.—INTRODUCTION OF REFORMS.

There should be no delay in the introduction of Provincial Autonomy. If the pre-requisites for the setting up of Federation as laid down in the White Paper (Introduction 12, 13 and 32) are likely to take a few years, the Muslims are strongly of opinion that Provincial Autonomy should not be held up.

#### II.—THE FEDERATION OF INDIA.

We feel that there are great difficulties in working out an All-India Federation in which the Indian States must necessarily influence British Indian policy while British India will be precluded from interfering in the internal affairs of the States. We therefore urge that as many subjects as possible should be transferred to the Provinces, and as few retained for the Federal Centre as possible. It should be specifically laid down in the Constitution that the residuary powers should be vested in the Provinces.

#### III.—FEDERAL LEGISLATURE.

##### A.—*The Lower Chamber or House of Assembly.*

Muslim representation in the House of Assembly must be effective and adequate. The demand of the Mussalmans for one-third representation in the Central Legislature was made at a time when an All-India Federation comprising both the States and the British Indian Provinces was not within the range of practical politics. When, as at present, it is intended to give considerable representation to the States, one-third of the seats of the British Indian Provinces, if reserved for Muslims, will give them about 22 per cent. of the whole House. In

order to rectify this and to give the Muslims their due influence in the Legislature, the Mussalmans should be guaranteed one-third of the total number of seats in the whole House. The seats awarded, namely, 82 out of 250, are even less than one-third of the British Indian seats.

##### B.—*Upper Chamber or Council of State.*

(i) The election to this Chamber should not be through joint electorates by the method of the single transferable vote, but through separate electorates, the Muslim members of the provincial legislature forming a separate constituency for each Province.

(ii) The Muslims should be specifically guaranteed one-third of the seats of the whole House as in the lower chamber.

(iii) No seats should be filled by nomination.

##### C.—*Franchise for the Legislature.*

Women should not be given the vote in the right of their husbands.

##### D.—*Labour Representation.*

We should like to see Labour being effectively represented. Special representation should be given to maritime Labour (Seamen) in as much as maritime shipping and navigation are proposed to be an exclusively federal subject. Similarly inland mariners working on mechanically propelled ships on inland rivers (also proposed to be made an exclusively federal subject) should be given special representation.

##### E.—*Ministers' Salaries.*

These should be a votable item.

#### IV.—GOVERNOR-GENERAL'S RELATIONS WITH THE LEGISLATURE.

There is no reason why the Governor-General should be given the extraordinary power of making Acts, a power which is fundamentally subversive of all principles of responsible government and would have the effect of depriving the elected representatives of the people of their exclusive right to legislate.

#### V.—SPECIAL RESPONSIBILITIES OF THE GOVERNOR-GENERAL AND GOVERNORS.

It should be clearly laid down in the Constitution that the special powers vested in the Governor-General for safeguarding the financial stability and credit of the Federation and the prevention of commercial discrimination and in the Governors for the latter purpose, should not be used in such a way as to prejudice the growth of Indian commerce and industry, nor should the special powers with regard to peace and

1<sup>o</sup> Augusti, 1933.]

[Continued.]

tranquillity be used unless there is widespread danger.

#### VI.—GOVERNORS' PROVINCES.

##### (a) *Provincial Autonomy.*

The principle of giving full autonomy to all the Provinces having been admitted, it is not necessary to say anything further under this head. But as it has been suggested in some quarters that law and order should be reserved in some Provinces, we would like to stress the extreme inadvisability of making any invidious distinction in this matter, as between the Provinces

##### (b) *Governors' Acts.*

Consistently with the principle of provincial autonomy, the provincial legislature alone should have the power of making Acts, and the Governor should have no special powers in that behalf.

#### VII.—PROVINCIAL LEGISLATURES.

##### (a) *Muslim representation in the Provinces.*

While we realise that the Communal decision has been necessitated by the inability of the communities in India to come to an agreement with each other, and while we are in general agreement with the principles underlying that decision and are prepared to work the Constitution on that basis, we feel it our duty to point out that the Muslims have not been fairly treated

In the first place, the well-recognised principle that no majority should be reduced to the position of a minority, or even to that of equality, has been departed from in the case of Bengal.

Again, the weightage enjoyed by the Muslims in the Provinces where they are in the minority has been reduced in nearly all cases

As regards the new province of Orissa, which was not dealt with by the communal decision, the weightage given to Muslims is inadequate and ineffective. Their position ought to be reconsidered.

##### (b) *Upper Chambers.*

There should be no Upper Chamber in Bengal. The Legislative Council and public opinion have declared themselves to be emphatically against it

Further, there should be no nominations in the Upper Chamber.

##### (c) *Provincial franchise.*

(i) *Re Women.* The same remarks as in the case of federal franchise. The women should vote in the separate communal electorates of the communities to which they belong.

(ii) *Universities.* The electorate should consist of the members of the Senate or the Court as the case may be

(iii) *Commerce.* Muslim Chambers of Commerce, wherever existing, should form separate electoral units in their respective Provinces.

(iv) *Landholders.* The electoral qualifications of landholders in Bengal and Bihar should be reduced and instead of there being several single-seated constituencies, there should be only one many-seated constituency for each of the two Provinces, the election taking place by the method of the single transferable vote.

(d) *Ministers' salaries* should be made votable and the Ministers should be fully responsible to the Legislature, and should hold office only so long as they enjoy the confidence of the House.

##### (e) *Muslim Ministers.*

There should be at least one Muslim Minister in every Province in which the Muslims are in a minority.

##### (f) *Control of Provincial Governments over the Services.*

Provincial Governments should have effective control over the existing All-India Service officers, and should have complete control over future All-India Service officers and over all existing and future Provincial and other Services.

##### (g) *Miscellaneous.*

(i) A substantial measure of Reform should be immediately introduced in Baluchistan.

(ii) *Delhi.* Delhi as the ancient capital and the present metropolis of India, has a special importance of its own, and this importance is likely to grow more and more. It should have a franchise analogous to the franchise in the Presidency towns.

The one seat allotted to Delhi in the Upper Chamber should go to Muslims and non-Muslims by rotation

(iii) *Ajmere-Merwara.* Ajmere-Merwara should, like Delhi, have a Muslim seat in the Lower House by separate election and a Muslim and non-Muslim seat by rotation in the Upper House of the Federal Legislature.

#### VIII.—RELATIONS BETWEEN THE FEDERATION AND THE UNITS.

(a) *Residuary powers* should vest in the federating units (see II above).

(b) *Division of subjects:* As many subjects as possible should be allotted to the Provinces (see II above). With special reference to White Paper, Appendix VI, List I.—



1<sup>o</sup> August, 1933.]

[Continued.]

"17. *Shipping and Navigation* on Inland Waterways as regards mechanically propelled vessels" should be entirely a Provincial subject where the operations are confined to a single Province: where more than one Province is concerned this jurisdiction should be concurrent.

49. *Income Tax*—This should be made a Provincial subject.

50, 51, 52 *Death Duties, Fares on Mineral Rights, Terminal Taxes, etc.*—These should be allotted to the Provinces from which they are derived, and not merely distributed.

54. *Imposition and Administration of Taxes not otherwise specified in List I or II.*—This should be provincial.

There are some subjects which may, with advantage, be made concurrent, e.g. 14, Inland waterways passing through two or more units, and 15, Maritime shipping.

As regards item No. 2, in List III, Civil Procedure Code, no modification made by the Central Legislature should be enforced in any particular Province unless the Local Legislature of that Province has itself adopted that modification by a vote of the House.

#### IX.—THE JUDICATURE: HIGH COURTS.

The High Courts should be entirely a Provincial subject. The judges should be appointed by His Majesty on the recommendation of the Governor. There should be no additional judges. Temporary judges may be appointed as may be necessary by the Governor.

Every judge should retire at the age of 60.

The Provincial Legislature and not the Federal Legislature should regulate the powers of superintendence to be exercised by the High Courts over the subordinate judiciary in the Province.

#### X.—STATUTORY RAILWAY BOARD.

The Railway Board should have an Advisory Body on which all Provinces should be fully represented.

#### XI.—SERVICES.

Provincial Governments must have full control over all who serve under them. The rights and privileges of the present incumbents of the All-India Services should be guaranteed, but future recruitment for the Provinces should be placed in the hands of the Provinces. If necessary, the minimum qualifications of candidates may be laid down, and they should be recruited by Provincial Public Services Commissions, on the same lines as in England.

While we welcome Indianization, we strongly urge that the Muslims should have a full and adequate share in all grades of the Public Services, including the Army and other forces of the Crown. The inclusion of the large Muslim community under the general heading of Minorities has very much prejudiced the interests of the Muslims, as they have been treated on the same plane as numerically insignificant minorities.

To ensure the due representation of Muslims, we urge that the proportion of Muslims in the Services should reflect their proportion of representation in the several legislative bodies.

We would call special attention to the wholly inadequate representation of Muslims in the All-India Services, particularly the Railways, the Posts and Telegraphs, and the Accounts and Audit Departments. The Muslim employees should, in view of the fact that their rights have frequently been ignored, be accorded the right of being heard through their own recognised Trades Unions and Associations, as they have failed to secure the redress of their grievances through general Trades Unions and Employees' Associations. We ask that specific reference should be made to this matter in the Instruments of Instructions.

#### XII.—FUNDAMENTAL RIGHTS.

We regret to note that no provision has been made for incorporating in the Constitution Act a declaration of Fundamental Rights. It is stated (Introduction 75) that "His Majesty's Government see serious objections to giving statutory expression" to large declarations of this kind but no objections have been specified and it is therefore not possible to meet them. It must however be stated that Muslim opinion in India is strong about the necessity of providing proper safeguards for the protection of Muslim religion and culture, education, languages and law, and this can only be ensured if a provision to that effect is embodied in the Constitution Act.

#### APPENDIX I.

*Resolution of the All-India Muslim Conference, Delhi, 1st January, 1929.*

"Whereas, in view of India's vast extent, and its ethnological, linguistic, administrative and geographical or territorial divisions, the only form of Government suitable to Indian conditions is a federal system with complete autonomy and residuary powers vested in the constituent States, the Central Government having control only of such matters of

1<sup>o</sup> August, 1933.]

[Continued.]

common interest as may be specifically entrusted to it by the Constitution,

"And whereas it is essential that no Bill, resolution, motion or amendment regarding inter-communal matters be moved, discussed or passed by any legislature, central or provincial, if a three-fourth majority of the members of either the Hindu or the Muslim community affected thereby in that legislature oppose the introduction, discussion or passing of such Bill, resolution, motion or amendment,

"And whereas the right of Moslems to elect their representatives on the various Indian Legislatures through separate electorates is now the law of the land and Muslims cannot be deprived of that right without their consent;

"And whereas in the conditions existing at present in India and so long as those conditions continue to exist, representation in various Legislatures and other statutory self-governing bodies of Muslims through their own separate electorates is essential in order to bring into existence a really representative democratic Government,

"And whereas as long as Musalmans are not satisfied that their rights and interests are adequately safeguarded in the constitution, they will in no way consent to the establishment of joint electorates, whether with or without conditions;

"And whereas, for the purposes aforesaid, it is essential that Musalmans should have their due share in the central and provincial cabinets;

"And whereas it is essential that representation of Musalmans in the various legislatures and other statutory self-governing bodies should be based on a plan whereby the Muslim majority in those provinces where Musalmans constitute a majority of population shall in no way be affected and in the provinces in which Musalmans constitute a minority they shall have a representation in no case less than that enjoyed by them under the existing law;

"And whereas representative Muslim gatherings in all provinces in India have unanimously resolved that with a view to provide adequate safeguards for the protection of Muslim interests in India as a whole, Musalmans should have the right of 33 per cent. representation in the Central Legislature and this Conference entirely endorses that demand;

"And whereas on ethnological, linguistic, geographical and administrative grounds the province of Sindh has no

affinity whatever with the rest of the Bombay Presidency and its unconditional constitution into a separate province, possessing its own separate legislative and administrative machinery on the same lines as in other provinces of India is essential in the interests of its people, the Hindu minority in Sindh being given adequate and effective representation in excess of their proportion in the population, as may be given to Musalmans in provinces in which they constitute a minority of population;

"And whereas the introduction of constitutional reforms in the N.W.F. Province and Baluchistan along such lines as may be adopted in other provinces of India is essential not only in the interests of those provinces but also of the constitutional advance of India as a whole, the Hindu minorities in those provinces being given adequate and effective representation in excess of their proportion in population, as is given to the Muslim community in provinces in which it constitutes a minority of the population,

"And whereas it is essential in the interests of Indian administration that provision should be made in the constitution giving Muslims their adequate share along with other Indians in all services of the State and on all statutory self-governing bodies, having due regard to the requirements of efficiency;

"And whereas, having regard to the political conditions obtaining in India it is essential that the Indian Constitution should embody adequate safeguards for protection and promotion of Muslim education, languages, religion, personal law and Muslim charitable institutions, and for their due share in grants-in-aid,

"And whereas it is essential that the constitution should provide that no change in the Indian constitution shall, after its inauguration, be made by the Central Legislature except with the concurrence of all the States constituting the Indian federation,

"This Conference emphatically declares that no constitution, by whomsoever proposed or devised, will be acceptable to Indian Musalmans unless it conforms with the principles embodied in this resolution.

## APPENDIX II.

*Resolution No. 11, passed at Delhi on March 26th, 1933.* This meeting of the Executive Board of the All-India Muslim Conference expresses its profound disappointment with the schemes of reforms

1<sup>o</sup> August, 1933.]

[Continued.]

outlined in the White Paper. In the opinion of the Board the said scheme fails to meet the demand of the Muslim community as embodied in the various resolutions of the All-India Muslim Conference.

In view of the extreme dissatisfaction of the Muslim community with the proposals of His Majesty's Government, the Board demands radical changes on the following lines.—

(1) The Provinces should be granted the largest measure of fiscal, administrative and legislative autonomy;

(2) The Governors' powers are excessive and should be curtailed.

(3) The provincial Ministers should be fully responsible to the Legislature, and should hold office only so long as they enjoy the confidence of the House.

(4) The provincial Governments should have effective control over imperial and complete control over provincial and other services.

(5) The powers of the Governor-General should be curtailed.

(6) The High Court should be an exclusively provincial subject. The appointment of High Court Judges should be made by His Majesty on the recommendation of the Provincial Governors and of the Provinces in which the High Courts are situated. The provincial legislature (and not the federal legislature as noted in section 175 of the White Paper) should regulate the power of superintendence exercised by the High Court over the subordinate courts in the Province.

(7) No weightage or other discriminatory privileges should be given to the Indian States

(8) Fundamental safeguards for the protection of personal law, education and culture of the Muslims should be incorporated in the constitution.

(9) Provision should be made for the effective representation of the Muslims in the public services of the country and the army. Effective steps should be taken to Indianize the army within a fixed period.

(10) As the Muslims claim one-third representation of the whole House in the Upper House of the Federal Legislature, and have been definitely promised one-third of the British Indian share of the seats in the House and cannot see any effective

way of securing sufficient seats among the representatives of the States to make up their proportion to one-third of the whole House, it is their considered opinion that slightly increased proportion of their seats in the British Indian share over the one-third is essential.

The Muslims further disapprove of the principle of joint electorate in the elections to the Upper House of the Federal Legislature, and urge the adoption of separate electorate by direct method.

(11) A substantial measure of reforms should be immediately introduced in Baluchistan.

(12) The one seat allotted to Delhi in the Upper House should go to the Muslims and Non-Muslims by rotation

(13) The population of Delhi and Ajmere being equal, Ajmere should have the same measure of representation in both Houses of the Federal Legislature as Delhi, and such representation should be regulated by the same principle as in Delhi, and when one is represented by a Muslim the other should be represented by a Non-Muslim in the Upper House

(14) That inasmuch as His Majesty's Government's decision promised to give Muslims of Bihar and Orissa 42 seats out of 175 seats, i.e. 24 per cent. of whole House by separate electorates. This meeting of the Executive Board demands that the proportion then fixed should on no account be changed and the seats should be so allotted to Muslims in the Province of Bihar and Orissa in both the Provincial Legislatures that the total proportion of 24 per cent. should not be disturbed.

(15) That representation awarded to commerce should include the Muslim Chamber of Commerce of Bengal and Bihar as electoral units in their respective Provinces

(16) That the electoral qualifications of the landholders constituency should be reduced in Bengal and Bihar and single-seated constituencies should be changed into one multi-seated constituency in each Province by single transferable votes.

(17) The Indian States should be given no privileges of competing for All-India Service such as the I.C.S., I.M.S. and commissions in the Indian Army until the States agree

1<sup>o</sup> August, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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to extend the same privileges to British Indian subjects in their territories

*Chairman.*] I shall invite my colleagues to put their questions to you and reserve my own until I see what they propose to ask you.

Mr. Isaac Foot.

9376. In paragraph 7 you state that unless the suggestions you make are adopted you do not think the scheme contained in the White Paper can be a success?—That is so because there would be difficulties.

9377. You say later: "If the suggestions made in the Resolution are adopted,"—that is, the Resolution passed at Delhi, "the Muslim community throughout India will render substantial help in making the new scheme a success, and in heartily working the new Constitution." I would like to put this question. Of course, you recognise that the proposals contained in the White Paper have been made by the Government having regard to the many conflicting claims in India?—Quite so.

9378. Supposing the Government and this Committee came to the conclusion that the proposals as contained in the White Paper were the fairest having regard to all the conditions, would you still be prepared to co-operate in working that scheme?—The position of our Conference is that we hope modifications will be made, but if by any chance no modifications are made, or modifications are made which are not satisfactory to us, we shall have to reconsider the question in general meeting.

9379. Under Heading III C: "Franchise for the Legislature," you state that women should not be given the vote in the right of their husbands?—That is so.

9380. Would you amplify that? What is the ground of your objection there?—We think that the vote should be a matter of personal qualification, not a matter of vicarious qualification.

9381. Of course, that is a very substantial element in the Franchise proposals contained in the White Paper—the wife's right to vote as the wife. Do you attach importance to your suggestion here? Is it a very important part of your recommendations?—Our point is that the wife should vote if she has a qualification for herself, but merely to make it a question of voting because

her husband votes doubles the vote in many cases of the husband.

9382. Is there anything in that claim that is peculiar to the Musselman population of India, or is it simply a political point?—I think it is mainly a general question, but there is also this question, that, by our social system, the women come out less than in other communities, and therefore our political influence will be prejudiced.

9383. That is, purdah so far as it exists, affects the Musselman population so much more than the Hindu population?—Exactly.

9384. Can you give us any information as to the extent to which purdah is disappearing?—I think it is disappearing gradually, but it will take a long time before it will completely disappear.

9385. To the extent that purdah does disappear the ground for your objection here stated is removed?—Not entirely, because we take the first ground as the more important.

9386. The first ground is that the woman ought to vote as an individual and not because of her husband's qualification?—Exactly. (Sir Mohammed Yakub.) My Lord Chairman, may I be allowed to express my views rather elaborately on this question?

*Chairman.*

9287. Please?—My views, Sir, are as regards the enfranchisement of women, far be it from me to impose any inferiority of status on the women folk of my country. Indeed, as a Musselman, I am compelled to allow her full equality of status. I would therefore like to place women on the same level as men, and I would have the same qualifications for them relating to property or education as for men. I think it would lower the prestige of a woman if she were placed on the electoral roll only because she happens to be the wife of a certain man elector. Then again in India polygamy is not very unusual, and it would be highly illogical to give the vote to one wife, and deprive the other having the same legal and social status. Then again I consider it to be very unjust to deprive a women of her vote, after using it for a very long time, very unjust to deprive a women of her vote, after using it for a very long time, as soon as she loses her husband. Also I do not see any reason why the wife of

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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an ordinary voter should have the right to vote while the mother, or the wife of a soldier, or a policeman, who has rendered valuable services in the defence of the country, or lost his life in the service of the Crown, should be deprived of it. I am therefore entirely opposed to creating any artificial qualifications for women other than those, or in addition to those, of men.

Mr. Isaac Foot.

9388. Is that an individual opinion, or is it the considered opinion of the deputation?—I think this opinion is shared by a majority of the witnesses here, and by an overwhelming majority of the Musselmans in India. I have in my hand the "Star of India" dated 6th July, 1933, and here is a passage from Simla. They say "It might seem unchivalrous that educated men in India should venture to criticise the views expressed by representatives of Indian women when they addressed public meetings of women in England, but the fact cannot be overlooked that the views expressed by them on the question of electorates for women do not seem to have met with the approval of a large number of Muslim politicians in this country. Those few Indian women, who are now carrying on a campaign in England in favour of joint electorates have laid great stress on the views expressed by Women's Associations in India, but they have altogether ignored the views expressed by leading Muslim politicians. No one will deny that the women of India who have been doing public work have endeavoured to keep out the communal question from entering the women's movement. No one will deny that Indian women's representatives, without exception, urged before the Indian Franchise Committee that women's representatives in the Indian Legislature should be there, not as members of particular communities, but as representatives of women of all castes and creeds. What however, Indian women's representatives forget is that the leaders of those communities which have demanded, and which have been given, separate electorates under the Communal Decision have insisted on separate electorates because they know that a sufficient number of true representatives of their communities will not be returned except through the system of separate electorates. For some years after the introduction of the next re-

forms, until the representatives of all communities are able to sink all communal differences, numbers would and should count in the Legislatures, and the leaders of the Muslim community cannot be blamed if they insist that Muslim women should be bracketed with their men, and that they should not be allowed to go outside their community." This passage, I think, represents the views of the Muslim leaders, at least, a very large majority of them in India. (Mr. Abdullah Yusuf Ali.) My Lord Chairman, may I add two remarks. One is that I understand that a certain number of Indian women themselves take the view that their qualification should be individual and not in virtue of their husbands' votes. Secondly, the point urged by my friend no doubt has been urged in various places in India, but it has never been placed before our Association as a whole.

Begum Shah Nawaz.

9389. May I ask a supplementary question on that?—Is this view shared by the Muslim women as well?—The view that they should not have the vote in virtue of their husband's qualification?

9390. No. I am referring to what Sir Mohammed Yakub said in his statement this morning: Has this statement the support of the Muslim women in my country?—(Sir Mohammed Yakub.) A very large number.

9391. Could you name some of them, please?—It is difficult to give the names here, but I can point out certainly and definitely that this is the view of a large number of Muslim women in India.

9392. We have an All-India Muslim Ladies' Conference. Could you tell us of any resolution that that Conference has passed in support of your views?—You know it better than I do, Madam. (Khan Sahib Haji Rashid Ahmad.) May I quote a resolution passed by the All-India Muslim League? "The All-India Muslim League does not view with satisfaction the decision of His Majesty's Government that the right of franchise be given to women in the Provincial Legislatures in respect of their husbands' property, as such qualifications are only a breach of principles of true representation. The League is of opinion that every individual, male or female, must be qualified with his or her own merits and not upon the merits of others."

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Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

SIR MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,

Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

9393. Was I not present at that meeting when this resolution was carried?—I do not know whether you were present or not.

9394. May I know whether it is the opinion of your organisations that women should get the vote in their individual right or whether you are against the extension of the franchise to women even in their individual right?—No, we are not against it. (Sir Mohammed Yakub.) We have explained that we want the women to have the same qualifications as the men. We do not want any artificial qualifications for women. (Mr. Abdullah Yusuf Ali.) In other words, we want equal status.

Mr. Zafrulla Khan.

9395. You do not desire that any disqualification should be imposed on women merely on account of their sex?—No, certainly not.

Marquess of Lothian.

9396. When you say equal status, do you mean equal rights?—The same qualification for women as for men.

9397. The word used was "status." I wondered if you want women to have equal rights with men?—As regards franchise.

9398. But not as regards representation?—Yes, I think so.

9399. Would you say that a system which in fact only put one woman on the roll to twenty men was giving them equal status?—I think that is a wrong way of approaching the problem. We want to treat every citizen on his or her own merits. I think that it is wrong to say you must have a certain number. It is quite conceivable that when our women are educated and come out they may have the same number on the electoral rolls as the men, or possibly they may even exceed the men as they do in England. I am not opposed to that personally.

9400. You do not apply that principle to the men, do you, as far as the joint electorates are concerned?—That is because of the peculiar conditions in India.

9401. Surely it is a very peculiar condition if only one woman in twenty is on the roll, when you say you want them to have equal status?—Yes, but I think the proportion will increase every year and I hope it will increase.

9402. How will it increase under the White Paper scheme?—Surely as educa-

tion increases amongst the women, the proportion of women must increase.

9403. But the education amongst men is much larger than among women, especially in the higher ranks, and the disparity will increase, not lessen?—I do not think so. (Sir Mohammed Yakub.) Their disparity was not considered objectionable in England. What was the percentage of women voters in England when you started your first reforms and what is the number of women members in the House of Commons to-day?

Begum Shah Nawaz.] Their proportion in this country was three to four.

Sir Austen Chamberlain.] We have a qualification in this country, if it is of any interest to the witnesses, where the wife's qualification is by reason of her husband having a certain qualification.

Sir Joseph Nall.] Also there are certain cases where the husband has a vote by virtue of his wife's qualification.

Begum Shah Nawaz.

9404. If nothing is to be done even after taking into consideration the peculiar conditions present in India with regard to the women voters, should any weightage be given to the minorities?—(Mr. Abdullah Yusuf Ali.) May I say as regards the minorities, the question is rather on a different level. In my view (I am speaking individually because this point has not been considered together) there is no real difference of interests as between the sexes, and hence the world has got on for centuries without any votes to women. I think it is right that under modern conditions the women should have a vote, but it is only a matter of convenience and status. I do not think that the interests of the two sexes are so opposed that we need meticulous care in fixing the proportions, or anything of that kind.

9405. Is not it a fact, Yusuf Ali, that Islam was the first religion to recognise equality of status between men and women; that for the first time in history the word "musawat," meaning "equality," was used as far as the rights of citizenship go?—That is true, and it is one of the cardinal principles of Islam to give equal status to women and men.

9406. Is it not a fact that, even as far as the divorce laws are concerned, if an agreement is entered into by both the parties at the time of the marriage and the husband delegates his right of divorce, the woman has equality given, in that sphere?—That is true to a qualified ex-

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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tent. I cannot go into details of law, but it is perfectly true to a qualified extent.

Marquess of Zetland.

9407. Mr. Yusuf Ali, would you turn for a moment to Section VII of the Memorandum that has been put in? You say you feel it is your duty to point out that in the matter of representation in the Provincial Legislatures the Muslims have not been fairly treated and you give two specific examples of that. You say that in the case of Bengal "the well-recognised principle that no majority should be reduced to the position of a minority or even to that of equality, has been departed from." That is the first case you give. Then you give the case of the Province of Orissa and you say that, "As regards the new Province of Orissa, which was not dealt with by the communal decision, the weightage given to Muslims is inadequate and ineffective." First of all, with regard to Orissa, the figures which we have been given show that the Muslims form 1.9 per cent. of the population and that the representation which they are to be given in the Legislature will be 6.7 of the total number of seats; that is to say, the weightage which they are to be given is  $3\frac{1}{2}$  times the ratio of population? Now what I want to know is, if you consider that that weightage is not sufficient, how much would you require?—Where the minority is very small, an exact proportion is difficult to fix, but I should like to give an instance in the contrary direction of Sind and the North-West Frontier Province. There the Mussulman majority is overwhelming, and the Hindu minority is very small, but we have given them willingly a little over three times the percentage; and I think in Orissa, too, without naming any exact figure, it is necessary, in order that the Muslims should have some weight in the consideration of local matters, that they should have rather more than the miserable four members.

9408. Let me take the very case you have mentioned, the North-West Frontier Province. You say that you have willingly conceded to the Hindus a weightage of three times the ratio of their population?—More than three times.

9409. 3.1 times actually?—Yes.

9410. But in Orissa, you have been conceded 3.5 times. If you think that in the case of the North-West Frontier Province you have treated the Hindus

generously by giving them a weightage of 3.1 times the population ratio, why do you think that the Muslims in Orissa have been treated unfairly, when they have been given a weightage of 3.5 times their population ratio?—There are two answers to that. In the North-West Frontier Province, I believe (I have not got the figures here), your proportion is the non-Muslim population, not the Hindu population. There are the Sikhs in the North-West Frontier Province, and that complicates matters. In Orissa there are just the two communities, the Hindu and the Muslims, and, therefore, a fair comparison would be to take the Muslim and Hindu in both cases. Secondly, where the minority is very small, under 2 per cent., if you give them an equal weightage, it yet follows that their influence is almost negligible, you ought to give them a little more weightage. After all, supposing you give them representation of 10 per cent. in Orissa, that does not give them any preponderating voice, but, on the other hand, it would give them six members who can voice Muslim feelings. I hope that is clear, Sir. The smaller the numbers, the greater the weightage.

Mr. Butler.] I think, my Lord Chairman, on that point the Sikhs in the North-West Frontier Province are actually separately represented. If you will turn to page 93 of the White Paper, you will see that they have three seats. They are actually 1.8 of the population, and they receive 3.3 times the population ratio in the weightage.

Marquess of Zetland.

9411. However, you have given me your answer, and I do not say whether I consider it a satisfactory answer, or not. Your view then, at any rate, is that in all Provinces the minorities ought to be given weightage?—Certainly.

9412. Now let us turn on to Bengal. In the case of Bengal, the Hindus are in a minority?—But they are almost on terms of equality. As regards Bengal, I think my friend, Mr. Suharwardy, will be able to answer it.

9413. Almost on terms of equality, but not quite; they are in a minority?—They are in a slight minority.

9414. So that according to your principles, they would be entitled to some weightage in the Legislature?—Certainly not, because if you give them weightage, our majority goes. It has gone already.



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[Continued.]

SIR MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,

Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

In Bengal where we have a numerical majority in the Province, we have been reduced to a minority, and our principle that weightage should be given to minorities is on condition that no majority should be reduced to a minority or to a position of equality.

9415. That brings me to a point which I really want to bring out, and that is this, that in the case of a Province like Bengal, where it is agreed on all hands that a certain number of seats must be reserved for the representation of special interests or the representation of Europeans, of commerce and industry, and all things of that kind, it is really in those circumstances impossible to grant either to the Muslims or to the Hindus the full number of seats which they would be entitled to on a purely population ratio. Is that not so?—That would be so; but the main principle must not be lost sight of, that where we come to a Government by a majority, you must not convert that majority into a minority. Subject to that, we would agree to any modifications.

9416. But then, what you are claiming in Bengal is this, that the Muslims should have a majority, not only over the Hindus, but over the representatives of every other interest combined?—They should have a sufficient majority for the will of the majority of the people to prevail.

9417. If we are going to act upon that principle, that means that in Bengal you are going to reserve to the Muslims a permanent majority in the Legislature, are you not?—Just as you have reserved to the Hindus a permanent majority in all the other Provinces where they are in a majority.

9418. That is a different question. The Hindus, I agree, will have a majority in many Provinces, but only because the Muslims insist upon having separate communal electorates. But do let us, for a moment, if you do not mind, confine ourselves to Bengal. I do not approach this question either as a Hindu or as a Muslim; I approach it as a neutral, and I should dislike intensely any final solution of this question in Bengal which would be likely to leave a feeling of unassuageable bitterness between the two major communities in that Province, the Hindus and the Muslims?—We should dislike it, too.

9419. It is quite clear from the evidence we have already had, that the position

which is proposed to be given to the Muslims in the Legislature in Bengal will leave feelings of deep resentment and bitterness amongst the Hindus in that Province?—I do not think so. The whole agitation is artificial.

9420. I do not expect you to think so, but I am telling you what the Hindus think, or, at any rate, the impression which the Hindus have created upon my mind. That being so, I want to put to you this suggestion: Would it not be a fair solution of this problem in Bengal, which is admittedly an extraordinarily difficult one, if you were to put aside all those seats which give representation to special interest, and, having done that, to divide the remaining seats, which are open to Muslims and Hindus, between those two communities on a population basis?—The difficulty with that is that we shall never be able to get the will of the people to prevail.

9421. Of course, it depends on what you mean by the will of the people. When you talk about the will of the people, you are talking about the will of the Muslim community. I mean, after all, the Hindus, as you say, form a very large part of the population of Bengal; I think you said nearly on an equality; but if you wish to have an arrangement under which the Muslims will have a permanent majority in the Legislature, how is the will of the Hindus ever to have any chance of enforcing itself at all?—In the same way as the will of the Muslims will have a chance of enforcing itself in the United Provinces, although they have only one-third representation.

9422. We are getting back to other Provinces?—We must consider India as a whole, must we not?

9423. An arrangement of that kind would not be satisfactory to you; you would not consider that you were being fairly treated under an arrangement of that kind?—No.

Marquess of Salisbury.

9424. I understand from the conversation which has already passed that you realise how difficult the situation in Bengal is?—Certainly.

9425. And you criticise very much the arrangements which are provided in the White Paper?—Yes.

9426. I think you have answered this question. If you are asked whether you are prepared to abide by the White Paper, you say you would take that into re-consideration?—I have answered it.

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9427. I apologise for putting the question again, therefore. I suppose you do not look upon the White Paper settlement as permanent?—Nothing is permanent in politics.

9428. Indeed, not. I mean, really, if the White Paper were passed in its present form, would you try to modify it afterwards?—We have indicated where we feel extremely dissatisfied with it, and if we had the power, we should certainly try to set it right.

9429. How would you proceed to set it right?—If we had the power I do not know what fetters will be imposed upon the future Indian Legislature, but we have already indicated the big points in which we think it should be set right. It is unjust that our representation in Bengal should reduce us to a minority where we are in a majority.

9430. Would you go to the new Central Assembly and try to get them to alter it?—If they had the power.

9431. Would you approach the Imperial Government to alter it?—That all depends upon the form which the future Constitutional machinery takes. I am assuming that it passes in the form of the White Paper.

9432. Then our Central Indian Legislature would probably not be favourable to us. We shall be in a minority.

Marquess of Salisbury.] I think that is so.

Mr. Zafrulla Khan.] If Lord Salisbury will excuse me, could he point out where the White Paper describes where constituent powers will vest? Lord Salisbury has said his question is that if the White Paper scheme is passed, we would be approached for a modification under the White Paper. So far as I have been able to study the White Paper, the White Paper does not say where constituent powers will rest for the modification of these proposals. If they are not in the White Paper, surely, the question does not arise. If they are, I hope Lord Salisbury will set me right.

Marquess of Salisbury.

9433. I think it is in paragraph 110. However, I only want to find out how they propose to do it. You mean, you will find an unfavourable majority in the Central Legislature?—Yes.

9434. So that you would find it very difficult to get a modification, I suppose, under an unfavourable Legislature?—We should like to get a modification now when the thing is on the anvil.

9435. Do you not realise that as soon as the White Paper is passed, and the new Central Legislature is established, it will be very difficult to get a modification?—We realise that.

9436. Have you realised that?—Of course.

9437. Do you not think that that is one of the reasons why you ought to approach the making of the Central Legislature with great caution?—I think caution is required at every step, but that does not mean that the scheme, as a whole, should be hung up.

9438. But it does mean that once the Central Legislature is passed in the present form, it will be very difficult to get a modification?—But there must be some method, some machinery by which future changes may be possible. We do not know what that will be in the final form.

9439. There is always the Imperial Parliament, of course?—Yes, but we should prefer, as good Indians and working in co-operation with our Hindu fellow subjects, that there should be some machinery in India by which even minority interests can be favourably considered by mutual understanding, by the growth of that feeling of national unity which is essential for the working of any representative institutions.

9440. I quite agree with you it is essential, but I should not have judged from some of the answers which have been made to-day and yesterday that that essential unity was in sight, quite?—But we are hoping for it; we are hoping to build it up.

9441. But, in the meantime, you would have to put up with whatever the arrangements were?—We shall have to take whatever comes.

9442. You do not realise the bearing of my questions upon the wisdom of fixing definitely now a Central Legislature?—No, the difficulty will be that that will stereotype matters.

9443. That is the difficulty—that is the one I am pointing out to you?—Yes.

9444. Have you weighed that, that it would stereotype matters?—Well, we want that to be modified; we do not want it stereotyped. I recognise that there is a body of feeling in this country which would stereotype it, but I think that that body of opinion is wrong.

9445. When you say a feeling in this country, do you mean in Great Britain or in India?—In this country especially.

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9446. I do not think you can look upon anything as stereotyped in this country?—I am glad to hear that.

9447. I am thinking of India. I think it would be very unlikely that the British Government would modify the arrangements of the White Paper after they were passed against the wishes of the majority of the Central Legislature; therefore, you would have to convert the Central Legislature?—If our cause is just, we hope we shall be able to convert it.

9448. You are a very sanguine man then. I will not press you any more; I think you see my point. Now may I just refer to one or two of the major points of difficulty. I notice that under the heading of "The Federation of India" in your Memorandum, you say: "We feel that there are great difficulties in working out an All-India Federation in which the Indian States must necessarily influence British-Indian policy while British-India will be precluded from interfering in the internal affairs of the States"?—That is so.

9449. Have you any suggestion to make for getting rid of that difficulty?—We have made a suggestion in the very next sentence. "We, therefore, urge that as many subjects as possible should be transferred to the Provinces, and as few retained for the Federal Centre as possible."

9450. So that the method of security would be by eviscerating, as far as possible, all the jurisdiction of the Central authority?—I should not like to use the word eviscerating. That arrangement occurs in many Federal Constitutions. The State is all-powerful. The Federation is for specific purposes, and if you leave all residuary powers in the Provinces, I think these difficulties are minimised as much as we can minimise them.

9451. I do not think it turns upon the residuary powers; it turns primarily upon the specific things, whether to the Federation or to the Provinces?—Yes.

9452. You would minimize as far as you possibly could all that was allotted to the Federation?—By not allotting it to the Federation.

9453. By avoiding allotting it to the Federation?—Yes.

9454. That is your remedy?—That is what we can think of at present.

9455. I notice in a later part of your Memorandum you say you would allot Income Tax entirely to the Prov-

inces?—That is a matter of taxation and resources.

9456. You realise it bears very strongly upon the point which you and I are now discussing, because if the Federation are to have control of Income Tax then it would be possible for the representatives of the States to vote the Income Tax which has only to be paid by British India?—I did not understand the question.

9457. If the Income Tax is to be a Federal subject, which is what the White Paper proposes, then it would be possible for the representatives of the States to vote taxation which was only to be paid by British India and not by the States themselves—the very point which your paragraph deals with?—Yes, quite.

9458. So the question whether the Federation or the Provinces have control of the Income Tax bears directly on the point of the paragraph we are discussing?—It does.

Sir Austen Chamberlain.] May I interpose a question for the sake of clearing up a matter about which I am not sure?

Marquess of Salisbury.] Please do.

Sir Austen Chamberlain.

9459. Does the passage in your Memorandum refer to the imposition of the Income Tax or to the application of the Income Tax?—The allotment of it.

9460. I read it as meaning that the tax collected in the Province should go to the advantage of the Province?—That is the main point, but it is a matter of convenience as regards the actual imposition. We have not considered that point specifically, but personally I think if the tax goes to the Province it is reasonable that it should be collected by the Province and that all the machinery should be regulated by the Province.

Lord Eustace Percy.

9461. And imposed by the Province too?—And imposed by the Province too.

Dr. Shafa'at Ahmad Khan

9462. You do not object to uniformity of rate?—Not at all. In fact, in some respects, uniformity is very desirable. It is a question of convenience.

Lord Eustace Percy.

9463. How is it to be imposed by the Province if it is to be uniform throughout the country?—I recognise that difficulty; if it is to be imposed by the

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Province, some Provinces may not have it.

Marquess of Salisbury.

9464. At any rate, you recognise that all those suggestions are entirely different from the proposal in the White Paper?—In those points.

9465. Just one other matter. Have you considered the question of direct election for the Central Legislature?—You mean for the Upper House of the Central Legislature?

9466. No. The Upper House is not to be directly elected. It is the Lower House, the Assembly, which is to be directly elected?—Yes.

9467. Have you considered that point?—Yes.

9468. Do you approve of direct election for the Assembly?—I think if we are going to work towards democracy direct election is the only method by which the will of the people can be expressed. I am not judging here of the wisdom of working for democracy, but I take it as an accepted basis of the whole of the proposals.

9469. It is not accepted. I do not know what you mean by accepted; it is before the Joint Committee now?—Yes; but the very fact that the Joint Committee has been set up and that the White Paper has been placed before them implies a certain attitude towards democratic institutions, does it not?

9470. It certainly does not imply a preference for direct or indirect election?—No, but I say if that principle is accepted, direct election is the only way to work it.

9471. Is that the view of all your colleagues here?—I think so. (Sir Mohammed Yakub.) Yes.

9472. Have you had any experience, any of you, of how direct election works?—(Mr Abdullah Yusuf Ali.) We have had experience in India for many years now.

9473. Do you think it works well?—It depends on what you call well. It works as well as in most countries.

Marquess of Salisbury.] That is a question of opinion.

Sir Austen Chamberlain.] Could the witness answer your question positively instead of comparatively?

Marquess of Salisbury.] Will you put the question?

Sir Austen Chamberlain.

9474. Will you tell me whether you think it works well in India? Give me a positive answer and not an answer by

comparison to how it works elsewhere?—A positive answer means a reference to all the philosophy of democracy and representative institutions, and I am not in a position to go into that. I can only use it in a comparative sense. I see representative institutions in various countries. Some people say they are working very badly. Some people say they are played out and, of course, all those arguments would apply to India as well, but if we assume that we are working for representative institutions in the sense in which they are ordinarily understood in the world at large, I do not see how we carry them out, except by direct elections.

Mr Zafrulla Khan.] We would wish to pursue this, if possible. Perhaps Sir Austen Chamberlain would help the Committee and Delegates and tell them what he means by "working well," and then we would appreciate whether it has worked well in India or not. I think it would help the witnesses if they knew exactly what was intended by the question.

Sir Austen Chamberlain.

9475. I will put the question in another way. As it works does it present a true reflection of public opinion and preserve a close touch between the representative and his electors?—To a certain extent, but again I would draw a comparison with other countries. I do not think in any country it works absolutely satisfactorily and in India the franchise is restricted and there are a number of other conditions which it is proposed now in the White Paper to remedy. The larger the electorate, naturally the more representative the Parliament or the Council will be.

9476. I am not asking about the size of the Legislature, but whether the representation really reflects the opinion of the electorate, whatever it is, and whether the member is in close touch with his constituents?—In an absolute way I cannot give a positive reply but I think it does on the whole.

Sir Akbar Hydari.

9477. One would like to know whether, in applying these two tests which Sir Austen Chamberlain has laid down, those tests could not be better supplied if, for instance, the election to the Central Legislature were by the representatives in the Provincial Legislature who would be elected on a very wide democratic

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franchise?—Yes. You see, the touch then will be between the members of the Central Legislature and their electors of the Provincial Legislature. That would be two degrees removed, would it not?

9478. Yes?—And to that extent I think it is less likely to reflect directly the opinions of the masses of the people themselves.

9479. But considering the size of the electoral districts in British India and the absence of good communications, I want to know whether in the beginning (you said we are working towards democracy), as a first step, would you not be able to get a better expression of opinion of the electors in the Provinces if their elected representatives in the Legislatures sent representatives to the Federal Legislature?—I do not think we shall get a better expression, although I recognize the difficulties which you have pointed out.

9480. In connection with the electors and their representatives, will there be very much connection between the two so far as those who are elected to the Central Legislature are concerned?—If the representatives in the Central Legislature are elected direct they will be forced in their own interests to go to their electors in their own constituencies and to get themselves into touch. It is no argument that because that has not been very conspicuously the case in the past, it will not be so in the future.

9481. Will it be possible in the beginning?—It may be difficult.

9482. We quite recognise that representative institutions ultimately require that, but in the present conditions of India I want to know whether under a system of indirect election you will not get a better type of representatives better expressing the public opinion?—Those are two different things: A better type of man is a very different thing from a man who better expresses the views of the electorate. I think probably you will get a more educated type, and so on, but the whole object is to bring the humblest cultivator into touch with the Central Government.

9483. He would be brought into touch first, and very intimately into touch with the Provincial Government, and his representative would be in touch with that?—That will be only indirect. That would be two degrees removed.

9484. You are referring to the words "direct" and "indirect," but I am

looking to the ultimate result?—The result will be that the man who represents only the Provincial Legislature will be out of touch, and cut off directly from the people in the country.

Marquess of Lothian.

9485. Is not the point this, that the only contact which the individual elector has with the Member is on questions which are settled by the Provincial Legislature. He is never brought into touch with the Central Legislature at all by the system of indirect election?—If we are building up a constitution I think he should be brought into touch.

9486. Your objection to indirect election is that the elector is never brought into touch with the Central Legislature at all?—Exactly.

9487. Therefore you think direct election is the only way in which the nation as a whole can be brought to think about national affairs?—That is so.

Marquess of Salisbury.

9488. You think under the proposals of the White Paper, the representative in the Legislature could be in touch with the electors in these vast constituencies which are provided?—As far as the conditions allow, I think so.

9489. I suggest to you that the conditions do not allow?—I think that is too sweeping. I think what will actually happen in practice is this: The constituencies it is true will be very vast, but, when the Constitution gets into working—it will be to the member's interest to get into touch with all the people who count, the people who matter, the people whose votes are of any importance, and gradually there would be an education of the constituency just as has happened in any countries outside India.

Sir Akbar Hydari.

9490. Would not the people whose votes are of any importance, whom the man has to approach for election to the Provincial Councils, be the same people as he would have to approach for election to the Central Legislature?—Yes, but the issues will be different.

9491. I mean to say that the issues will be more personal than impersonal?—That is so, but that is, I think, rather a fault than an advantage.

9492. Yes, but we take a very imperfect world as it is to start with, and

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I want to ask you whether you will not really be getting all the questions which will be seized by the Legislature much better discussed and settled with reference to the interests of the people if their representatives in the Provincial Legislature send men to discuss this very highly technical and narrow range of questions which will be left for the Central Legislature?—That brings us to the Ma Bap theory of Government. Do things for them. If you do them well, why bother the people?

9493. Yes, at is the Ma Bap theory but the Ma Baps will be the men whom the people have sent to the Provincial Legislature?—Why should you make them Ma Baps, and not give the direct vote to the electors themselves.

Marquess of Salisbury.] This seems to be developing into a theoretical argument.

Sir A. P. Patro.

9494 Will you tell me whether you have had any electoral experience in the last 12 years? Have you contested any seats for the Provincial Council or the Central Legislature?—I did not actually contest a seat, but I have been in touch all the time, and I was a candidate for a little while in the United Provinces.

9495. You were defeated?—No, I did not go to the poll.

9496. So you have had no experience of the working of the Legislatures either Central or Provincial?—Not as a Member.

9497. I mean as a Member?—But I have been fairly in touch with political questions.

9498. I do not want all extra answers. Say Yes or No. Will you please tell me how long it is since you retired?—I retired in 1914.

9499. You retired from service in 1914?—Yes.

9500. Since then you have been spending all your time in England?—Not all my time.

9501. Most of your time?—I have been domiciled in England, but I have been in India fairly frequently. May I just add one word. The opinions that I have expressed are not my personal opinions. They are the opinions of the Association.

[Sir A. P. Patro.] I have not asked that question.

Mr. M. R. Jayaker

9502. Having regard to the fact that election to the Central Legislature at

present is by direct method, do you not think that reversion to the indirect method would be regarded in India as a retrograde move?—I certainly think so.

9503. And it will cause dissatisfaction?—Certainly.

Marquess of Salisbury.

9504. Dr. Khalifa seemed inclined to say something just now?—(Dr. Khalifa Shujauddin.) I was going to say so far as the question of contact with the electorate is concerned the remedy lies not in reverting to indirect election, but in making the electorate more manageable, and, as far as the White Paper goes we find, the number of seats in the Legislature having been increased, there will be a greater contact between the Member and his constituency under the reforms than at present, so Mr. Abdullah Yusuf Ali's point is established that as time goes on we will work for greater contact.

9505. You mean by having a larger number of members?—And by gradually reducing the size of the constituencies. That I take it will come in the natural course of development.

Mr. Y. Thombare.

9506. Therefore you are not in favour of a reduction of the size of the Central Legislatures?—Reduction from what?

9507. From the figure proposed in the White Paper?—No.

Lord Rankeillour

9508. Do I understand from what has just been said that you are in favour of the new Indian Legislature having powers to change its own constitution?—(Mr. Abdullah Yusuf Ali) I did not say that, but I believe that is the view generally held. It is not in the Memorandum; it has not been considered by the Association.

9509. But as long as communal differences prevail, you would always be in a minority in that Legislature, would you not?—That is so.

9510. If the system were working badly for you it would be rather difficult to get a change effected in your favour, would it not?—If it was working badly.

9511. Then do you not think that you are more likely to get some change, supposing you had a real grievance, from the Imperial Parliament than from the Central Legislature?—I do not see that it makes very much difference because when once the power was de-

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centralised, and the seat of authority lay in India, even as a minority we could bring pressure to bear on our Hindu fellow subjects, which we could not on Parliament in London. We believe that even as a minority we can influence a great deal the course of events in India, and we hope that in the altered circumstances the Communal differences will get less and less important.

9512. Do you think your influence would go so far as to induce the Legislature to change the constitution altogether?—I am not prepared to say that in so many words, but I think the ultimate result if we are working for Dominion status will be that and must be that.

9513. Would you allow the whole of the Constitution Act to be subject to change by the Legislature?—Again this is my own personal view. I would say, Yes, except as regards the Imperial connection, and one or two fundamental matters like that. I think that as long as these communal difficulties arise the communal safeguards must remain, but I certainly envisage the time in the future when we shall be working just as the Dominion of Canada is working. We think the whole future is in its own hands.

9514. Would you allow the Central Legislature to take unto itself powers that had already been given to the Provincial Legislatures?—No, because we are all for residuary powers in the Provincial Legislatures.

9515. That would be fundamental and not subject to change?—I think that would be one of the fundamental matters.

9516. Therefore, there are some subjects which could not be changed in India and some that could?—I think the majority would be capable of change, but there would be certain fundamental reservations.

9517. You have not worked out what you think the fundamental reservations ought to be?—Not so far.

Lord Irwin.

9518. Might I, with Lord Rankeillour's permission, interject one question, before he leaves that point? Supposing the ultimate statute contained anything in the way of constituent powers such as Mr. Yusuf Ali has been speaking of, would it be in his contemplation that such constituent powers, containing a power to alter the Constitution of the Provincial Councils, should repose with

the Federation or with the Provincial Councils?—I think they should rest with the Provincial Councils, as far as the Provinces are concerned.

Lord Rankeillour.

9519. Under paragraph XII, you speak of fundamental rights and you quote the introduction to the White Paper and the Government seeing serious objections. Have you prepared any draft of what you would like to be put in, as to fundamental rights?—We have said that, I think, here in that paragraph: "The protection of Muslim religion and culture, education, languages"—I use the plural, for this reason: We have our Urdu as our vernacular, and our two classical languages, Persian and Arabic—"and law."

9520. But you have not actually drafted any clause which would show that?—No, we have not.

Sir Hari Singh Gour.

9521. By law, you mean personal law?—Yes

Lord Rankeillour.

9522 Under paragraph VII, you say in sub-head (e) "There should be at least one Muslim Minister in every Province in which the Muslims are in a minority" I suppose you would make that reciprocal, would you not?—Yes.

9523. I mean, you would allow a Hindu Minister in Sind, for example?—Yes. Everything that we say is reciprocal; what we have asked for ourselves, we are freely prepared to grant in the contrary case to the other communities.

9524 And there would be a Sikh Minister in the Punjab?—Yes.

9525. It was suggested to us yesterday that it would be a good thing if the Provincial Minister responsible for Law and Order should be helped by a Committee representing all the principal communities—an Advisory Committee. Has that suggestion been made to you?—It has not been considered by us collectively.

9526. Have you any opinion upon it?—My own personal opinion is that there is no objection to it, to have an Advisory Committee to advise the Minister who is in charge of Law and Order. But this should apply to all the Provinces or none at all. (Dr. Khalifa Shujaiddin.) I am afraid I will have to go against Mr. Yusuf Ali on that point. Coming from the Punjab, and knowing the views of the Punjab Muslims very clearly upon this point, I think I am in a position to say that we are very de-



1<sup>o</sup> August, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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finitely opposed to any Advisory Committee. If I may say so, only about three days ago, I came across a Report of a certain speech made by Sir Herbert Emerson, the Governor of the Punjab, which has been reported in "The Times" of July 28th, and I find one sentence there which, I think, supports my proposition that Law and Order should be transferred quite as fully to the Minister as in the other Province. His Excellency said. "The people and the Council have thus given the answer to those who doubted the wisdom of the present proposals for the transfer of Law and Order to responsible Ministers." It was a speech that he made in opening the special Session of the Legislative Council at Simla on the 27th July, and in the course of this speech, he complimented the Council on the work they had done and also approved of the principles laid down in the White Paper *qua* the transfer of Law and Order; and our Conference as well as the League are unanimously of opinion that no distinction whatsoever should be made in the matter of the transfer of Law and Order to responsible Ministers of the Crown. (Mr. Suhrawardy) I, too, am of that opinion, my Lord Chairman. (Mr. Yusuf Ali.) May I add that I contemplate, in my personal view, that any arrangements for one Province should apply to all. I am strongly against applying certain checks or palliatives, or modifying arrangements in one Province that do not exist in all.

Dr. Shafa'at Ahmad Khan.

9527 The Muslim Conference is and has been strongly of opinion that Law and Order should be transferred in all Provinces?—Absolutely, yes.

Sir Hari Singh Gour.

9528. Can you visualise the possibility of a divided responsibility under the proposal of having an Advisory Committee in the Punjab? Would it not derogate from the responsibility of the Legislature?—I think that, to a certain extent, it will.

Lord Rankeillour.

9529. In Section V, you say that the powers for the prevention of discrimination should not be used in such a way as to prejudice the growth of Indian commerce and industry. What kind of thing have you in mind when you want that precaution taken?—It is conceivable that the pressure of foreign companies, having business in India, on the Governor may be so great that he may do things which

are prejudicial to Indian commerce or industry. We want to avoid that; we want the Governor to feel that he can only exercise his powers, subject to the proviso that Indian commerce and industry come first in India. May I give an instance? The Ottawa Agreement. We have here a sort of general co-operation of the Empire as a whole, but the principle is recognised that it should be on the understanding that each commonwealth within the British Dominions should come first in its own arrangements.

Sir Hubert Carr

9530. When you say foreign companies, do you refer to British companies domiciled in the United Kingdom?—I mean, in a geographical sense, non-Indian.

Lord Rankeillour.

9531. Then would you look at the latter part of Proposal 122 in the White Paper, page 70?—Yes, it is the last sub-paragraph of paragraph 122 "A Federal or Provincial law, however, which might otherwise be void on the ground of its discriminatory character, will be valid if previously declared by the Governor-General or a Governor, as the case may be, in his discretion, to be necessary in the interests of the peace and tranquillity of India or any part thereof."

9532. That does not go far enough for you?—I do not think it goes far enough, for this reason, that you leave that absolutely to the discretion of the Governor. I want it to be put to him definitely: Supposing our Indian Chamber of Commerce goes up to him and says "We want to convince you that this will injure our trade," then he should feel that he has no discretion, if he is convinced that it will, he must give in and he must not overrule any measures for the protection of Indian trade and interests. There is a slight difference in language.

9533. Would you give those powers to the United Chambers of Commerce, or some such body?—No, I would not give the powers to them, but I should have it in their power to approach a Governor and convince him that it should not be in his discretion, or, as our lawyers would say, if there is a discretion, he should exercise it judicially.

9534. It would only be a declaratory clause drawing his attention to it?—Yes.

9535. Now only one other subject. What is your main reason for wishing to give the Centre as few powers as possible and

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[Continued.]

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the Provinces as many as possible?—I have stated that, but may I repeat it?

9536. Was it because you wished the Indian States not to have too much influence at the Centre?—That is one reason.

9537. Is there any other reason?—Another reason is that in the conditions of India, a vast country like India, somehow the Provinces will be better in touch with life than the Centre, and, therefore, they should have most of the actual work of the country in their hands.

9538. And anything that was not specifically given by the Constitution Act to the Centre would be with the Provinces?—Yes.

9539. Is that not really making the Provinces into States?—That is, I understand, the object of this legislation—Autonomous Provinces.

9540. What precedent have you for giving the Provinces powers like these which have previously been possessed at the Centre?—I have not thought of a precedent, but if you omit the qualifying clause, the United States have the States practically omnipotent.

9541. But the States were there before they united?—Yes.

Mr. *Zafrulla Khan*.] May I suggest the precedent is the Montagu-Chelmsford scheme? The reforms which gave a good deal to the Provinces which was previously in the Centre.

Lord *Rankeillour*.

9542. But it did not give them residuary powers? Devolution, yes, but not to give residuary powers, surely?—(Dr. *Shujauddin*.) This question did not arise before, because the question of Federation did not come in. This question of residuary powers comes in only because we are considering as to whether we will have a Federal Government in the Centre, or not. The moment you consider that problem, the question of residuary powers arises *ipso facto*. It did not arise because before the Government had been a unitary Government. (Mr. *Yusuf Ali*.) There is also this, that devolution may be the devolution of all residuary powers, may it not?

Lord *Rankeillour*.

9543. I should have thought not?—There are two methods of devolution. You can devolve a particular power. I do not see any illegality in it.

9544. But residuary powers must reside somewhere?—Yes; you devolve them to the Provinces.

9545. And you have no precedent for that?—I cannot think of any.

Mr. *Zafrulla Khan*.

9546. Have you a precedent for a kind of Federation where some units are like some of the Indian States and some like the British Provinces which cannot help being scheduled to the Federation, where some powers rest in the units, and where others rest in the Provinces?—It is absolutely unprecedented, as far as I know.

Lord *Rankeillour*.

9547. I have only one or two more questions to ask. You do not think that great inconvenience would arise from the great diversity of Laws there would be in the different Provinces of India, if they had these large powers?—Not necessarily, because we have put in the Centre specific matters in which it is necessary to preserve uniformity.

9548. You have not drafted what, specifically, you would give to the Centre, have you?—No, I do not think we can draft these things.

9549. But this diversity of laws has created great inconvenience, for example in the United States?—Quite so.

9550. Would you give power to contiguous Provinces to unite under the Constitution?—Our position is that the present arrangement should not be alterable, because it would disturb the balance of the communities. Unite two Provinces, and thus disturb our representation, and so on, so we should prefer that these arrangements should not be alterable—that they should be one of the fundamental safeguards.

9551. Reserved to this Parliament?—I suppose it would have to be reserved to somewhere.

Dr. *Shafa'at Ahmad Khan*.

9552. You do not mean permanently unalterable?—No; there must be some machinery for altering it.

Lord *Rankeillour*.

9553. But reserved to this Parliament?—I suppose so.

9554. Supposing that conditions made it appear that the Federation would be a long time coming into force, would you wish Provincial Autonomy to be intro-

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duced at once?—Yes, if the other thing were long in coming. We have said so.

9555 And you would not mind if the introduction of the Federation were deferred for a long time?—If it were necessary.

9556. And, perhaps, indefinitely?—No.

Mr. Zafrrulla Khan.

9557. Did I understand from your last answer, Mr. Yusuf Ali, that it would make you happy secretly, as it were, if things were deferred at the Centre?—No, not at all. On the contrary, our people would be very dissatisfied. (Dr. Shujauddin) And if I may add, we would expect the question of Federation to be postponed only for a reasonable period of time.

Dr. Shafa'at Ahmad Khan.

9558 And the Muslim Conference supports this scheme?—Yes, this is the view of the Muslim Conference.

Major Cadogan.

9559. Mr. Yusuf Ali, in Section IV of your Memorandum there is a sentence which I would be much obliged if you would explain to me; it is at the bottom of the page: "There is no reason why the Governor-General should be given the extraordinary power of making Acts." Do you mean that the Governor-General should have no power of making Acts under any circumstances whatever?—Not Acts, if the Legislative Council is functioning—if the Assembly is functioning.

9560 You were not contemplating a breakdown of the Constitution, when you wrote that sentence?—No.

9561. Then in paragraph VII, sub-section (g) you say: "A substantial measure of reform should be immediately introduced in Baluchistan". You are aware, I am sure, that the Simon Commission went to Baluchistan and collected as much evidence as they could on this subject. Do you remember the recommendations that the Simon Commission made to the effect that "It may be safely stated that the Baluchis have not themselves sought any alteration of the existing régime. The demand for representative institutions of a western type certainly does not come from them." You remember that recommendation?—Yes. I think a good deal of time has passed since then.

9562. I am going to ask you a question

upon that. Do you agree that a great part of the inhabitants are nomadic?—A certain proportion, yes.

9563. How would you get nomadic tribes belonging to an electoral roll?—I do not think that applies to the major part of the major population.

9564. A great part, you will agree, will you not?—A certain proportion; I have not gone into the figures.

9565. Will you also agree that the majority of the Baluchis wish to go on living their customary lives?—Yes.

9566. Do you not agree with me that the will of the majority of the Baluchis should prevail?—Yes, but that is not inconsistent with reforms, because I think a great many of them would like to have representation. As regards the nomadic population, may I point to the precedent of Iraq? You have a large proportion of nomads there, but they have made efficient arrangements for their representation.

9567. You think that that would be practical in Baluchistan?—Either that; or you may have to leave them out, as a sort of scheduled area, as you do in other parts of Backward India; but I do not think that is any reason why we should stop some sort of representation of the people who are ready for it.

9568. A considerable part of the territory is not British territory, of course?—That is so.

9569. But the administration is the same in the part which is British territory, and in that which is not—the same kind of customary laws?—More or less; customary laws.

Sir Reginald Craddock.

9570. Mr. Yusuf Ali, the Committee which acted with the Simon Commission from Bengal was elected by the Bengal Legislative Council, I believe, was it not?—(Mr. Suhrawardy) It was not elected; it was appointed by the Governor.

9571. That Committee made the suggestion, or some of them did, that there should be a Board sitting with the Minister who was given the charge of Law and Order. Do you recollect that?—I am not aware of it. It might be so.

9572. It was so as a matter of fact. I think you can take that from me?—Yes.

9573. Is there anything which has occurred since those days which would

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make Mussulmans revise their position about Law and Order?—About that time the question whether Law and Order would be transferred was not very certain, and since then, when there is a question that there is a possibility of the transference of Law and Order, we are of opinion that Law and Order should be transferred in all the Provinces without any hindrances whatsoever.

9574. You formed that opinion, but you did not always have it, did you?—We have advanced a little bit from the days of the Simon Commission, if I may say so.

9575. Yes, advanced in those ideas?—Yes.

9576. But I do not suppose you have changed materially?—The persons who were on the Committee and the Provincial Committee were not the representatives of the Legislature or of the people as such.

9577. Bengal Council are not elected by the people?—Yes, the Bengal Council was, but the persons who were appointed were not elected by the Bengal Council. We have various elements in the Bengal Council.

9578. I would like Mr. Yusuf Ali to reply regarding the All-India Services. Does he want them abolished?—(Mr. Abdullah Yusuf Ali.) I have given a good deal of thought to that, and it seems to me that the All-India Services as they exist at present would be quite inconsistent with the reforms. We should have to reconstruct them and I suppose if Provinces got complete Provincial autonomy All-India Services would be a misnomer. They would only have to be All-India Services for working the Federation.

Lt-Colonel Sir H. Gidney.

9579. Does Mr. Yusuf Ali mean that there should be no Federal All-India subjects?—Yes, there would be Federal subjects and for those Federal subjects there would be a Federal service, but I think that it is a mistake and it will cause endless trouble if you have the All-India Services as we knew them in the past. The whole atmosphere is changed. It is not fair to the All-India Services and it is not fair to the Provinces.

Sir Reginald Craddock.

9580. Would you then in future eliminate the British element from the Services?—Not immediately no, but it is

one of the implications of Provincial autonomy that the appointments and regulations and promotions should be made by the Provinces as far as the service was rendered to the Provinces.

9581. You would not apply that to those already in the service?—No. Every vested right should be strictly respected.

9582. Do you think that the Provinces would recruit any British officers if they were provincialised?—I think so; for some time to come, anyhow. There will be—there must be—proper public service commissions, perfectly impartial, like judges, and they will judge everything on its merits.

9583. I suppose it is the case that since the Lee Commission Report in provincialised services like education, agriculture and so forth the recruitment of British officers has gradually ceased, has it not?—I do not know about that, I think there are a large number of British officers even under the Lee scheme.

9584. The old ones of the All-India Services?—Under recruitment I know several educational officers who were recruited from England.

9585. On special short contracts?—On special contract.

9586. There may be a few on special contracts, but those services are no longer recruited from Englishmen in the majority of Provinces, I understand?—I believe even now several Englishmen have been recruited to the educational services and in any case I should not wish there to be a race bar or a colour bar in any way.

9587. I know in some Provinces, at all events, there has not been a single British officer recruited since 1925, the date of the Lee Commission?—Is it Bengal?

9588. I do not know about Bengal. I do not think there are many in Bengal. There are certainly none in the Central Provinces?—I should like to have instances of cases where competent people have applied and have been rejected.

9589. They do not apply unless an application is made to the High Commissioner here by the Province?—Yes; but if the Englishmen do not apply I do not see how they can be appointed.

9590. The High Commissioner merely acts as an agent, I believe, in these cases?—I believe so.

9591. For a Provincial Government, who asks for somebody, and then the High Commissioner advertises. Otherwise it is no good people applying in the

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air?—I have not seen any advertisements for services in India shutting out Englishmen in the way that I have seen advertisements about the India Medical Service shutting out Indians.

Lt.-Colonel Sir H. Gidney.

9592. Does the India Medical Service shut out Indians?—The advertisements that appear in "The Times" say that applicants must be of European descent, which I think is very wrong in principle.

9593 What advertisements were those?—Indian Medical Service.

9594. When?—You can see them any day in "The Times." I have seen them recently.

9595 No advertisement ever appears in the newspaper except on a Government communique. No advertisement can appear except by the Government of India or the Secretary of State?—It is the Secretary of State.

9596. Could you quote one such advertisement?—I have not brought one with me, but I saw one only the other day.

9597. As a member of that service, I have never seen such a thing and I would be very grateful to see it because I am just as keen as you are?—You agree that the principle is wrong?

Lieut.-Colonel Sir H. Gidney.] Certainly.

Mr. M. R. Jayaker.] Lieut.-Colonel Sir H. Gidney is a retired member of the Indian Medical Service.

Lieut.-Colonel Sir H. Gidney.] That does not imply that my interest in the Indian Medical Service has ceased.

Sir Reginald Craddock.

9598. I will pass on. If any of the Delegates or the witnesses would like to answer, will they tell me whether there is a scheme for Federation of Provinces under the name of Pakistan?—As far as I know, it is only a students' scheme; no responsible people have put it forward.

Sir Reginald Craddock.] They have not so far, but, as you say, you advance very quickly in India, and it may be, when those students grow up it will be put forward; that scheme must be in the minds of the people, anyhow.

Mr. Zafrulla Khan.] What is the question?

Sir Reginald Craddock.] I wanted to know whether the witnesses had acquaint-

ance with a scheme which was drawn up for what is called Pakistan.

Mr. Zafrulla Khan.] We have already had the reply that it was a students' scheme and there is nothing in it. What is the further question?

Mr. Isaac Foot.

9599. What is Pakistan?—So far as we have considered it, we have considered it chimerical and impracticable. It means the Federation of certain Provinces.

Sir Reginald Craddock.

9600. I have received communications about the proposal of forming a Federation of certain Muslim States under the name of Pakistan?—(Dr. Khalifa Shujauddin.) Perhaps it will be enough to say that no such scheme has been considered by any representative gentlemen or association so far.

9601. I want to ask a question with reference to the attitude of Muhammadans towards what have hitherto been known as the Depressed Classes; that is to say, does the Mussulman population generally, the uneducated Mussulman population, treat the Depressed Classes any differently from the way in which they are treated by the Hindus?—(Mr. Abdullah Yusuf Ali.) They have no Depressed Classes amongst themselves, and as regards the Depressed Classes amongst the Hindus, to the Mussulmans they are the same as any other Hindus.

Sir Reginald Craddock.] For example, over the use of wells in a village mainly consisting of Mussulmans, would these Depressed Classes have the use of the wells?

Mr. Zafrulla Khan.] I think we should like the point of the question explained so that we might follow what the questioner is aiming at.

Sir Reginald Craddock.] That will appear.

Archbishop of Canterbury.

9602. Sir Reginald Craddock must ask his question in his own way?—Your question is, in a Mussulman village would a member of the depressed classes be shut out from using a well as he would be in a Brahmin village?

Sir Reginald Craddock.

9603. Yes?—I do not think so.

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[Continued.]

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Dt. KHALIFA SHUJAUDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

9604. You think there are no disabilities put on the depressed classes by Muslims anywhere?—I think that where there is a large Hindu population surrounding it, probably the Muslims would be psychologically affected, but I do not think there is any reason to suppose that the Muslims would treat the depressed classes as any different from any other.

9605. You agree, however, to the proposal to give the depressed classes in the Punjab a special representation?—I think so, yes.

9606. You agree?—Yes.

9607. And the same in Bengal?—Yes, as long as the necessity remains, of course.

Mr. Zafrrulla Khan.

9608. May I be permitted to make a statement in one sentence on the depressed classes question?—I think the position is this so far as the Punjab is concerned (I am not familiar with other provinces) the mere fact of a person belonging to any particular caste or tribe does not affect a Muslim one way or the other with regard to the treatment of such a person but if a person (it does not matter what his caste or tribe is) is engaged in a certain profession (and I have in mind the profession of a scavenger) which makes him physically incapable of association on equal terms, no doubt there is that hesitation and keeping off from him; but if members of the same tribe were not actually following that profession we do not think of any untouchability with them. That is the position so far as the Punjab is concerned?—(Mr. H. S. Suhrawardy.) That is right. (Mr. Abdullah Yusuf Ali.) I think that obtains as far as every province is concerned as regards the Mussulmans.

Miss Pickford.

9609. Under Heading III C. of your Memorandum, "Franchise for the Legislature", you say "Women should not be given the vote in the right of their husbands". Have you given careful consideration to this point?—Yes, the Associations have actually gone into it.

9610. You are therefore aware that the White Paper does not make any proposal to enfranchise the wives of voters for the Federal Assembly?—The Franchise Committee report does.

9611. Not for the Federal Assembly?—What bearing has that on the present position?

9612. I suggest that you have not given very careful consideration to it, if you suggest that a differential qualification which is not suggested should not be given?—That is only an argument, is it not, Madame?

9613. If we proceed to the other point the White Paper does propose a vote to the wife of a voter for the Provincial Council?—Yes.

9614. And it is to that that you object?—Yes.

9615. On the grounds that you prefer an equal franchise?—Yes.

9616. In fact, you are in favour of equality?—Yes.

Miss Pickford.] Do you have women members of the All India Women's Conference?

Begum Shah Nawaz.

9617. No?—There is nothing to prevent them coming. (Sir Mohammed Yakub.) We have one lady on the Council of the All India Muslim League, and that distinguished lady is sitting in this body.

Sir N. N. Sircar.

9618. That is equal representation; one woman in 200?—There is no bar. Others have not applied, and, if they do we have no objection.

Miss Pickford.

9619. You have no objection?—Not the least. (Mr. Abdullah Yusuf Ali.) None whatever.

9620. Is there an All India Muslim Women's Conference?—There is an All India Women's Conference, but that is different from ours. (Sir Mohammed Yakub.) So far as I know some meetings of a Conference were held which were known by the name of the All India Muslim Women's Conference. They were mostly social Conferences relating to the education of Muslim women, and things like that, and, so far as I know, politics were mostly outside the purview of those Muslim Conferences.

Begum Shah Nawaz.

9621. We have had a Women's Conference since 1914?—I admit there has been a Conference known as the All-India Muslim Ladies Conference. They were advocating Muslim education, and other social reforms among the Muslim women in the country.

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[Continued.]

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9622. As that is organised on an All India basis, would it not have been as well to have consulted those ladies about the questions of franchise and representation?—They are perfectly free, not only to give their opinions, but to come and sit on our body.

9623. Are you aware that if you have for women a property qualification on the same terms as men for Provincial Councils it will produce an electorate of rather under 2,000,000?—2,000,000 women?

9624. 2,000,000 women?—I have not gone into the figures. (Sir *Mohammed Yakub.*) I may add that among the Mussulmans the women inherit property from their fathers or mothers and their husbands, and among the Mussulmans I think that the women owning property in their own name are not very much less than the men. In fact the inclination is, so far as the United Provinces is concerned, I think, that husbands are transferring property more to their wives, in order to save it from the bankers' clutches.

Sir *Abdur Rahim.*] There is one exception, is not there; the Punjab.

*Miss Pickford.*

9625. Arising out of Sir Mohammed Yakub's reply, is it a fact that the Muslim law is not followed in all the Provinces?—(Sir *Mohammed Yakub.*) Under the Royal Declaration it ought to be followed in all the Provinces, and it is unjust that in certain Provinces Mussulmans have been debarred from following their Muslim law, for instance, in Punjab, but, in those Provinces, there has been an agitation among the Mussulmans for a long time that Muslim law should be applied equally in the Punjab also as regards women. Mussulmans in all the Provinces consider it very objectionable that Muslim law should not be applied to the women in any province. It is clearly contrary to the directions given in the Holy Koran.

Begum *Shah Nawaz.*] Is there any likelihood of this law being changed in the Punjab until and unless the women have a good voting strength in the Punjab?—(Sir *Mohammed Yakub.*) My Lord Chairman, it is not the Muslim men who have been trying to perpetuate this law in the Punjab; in fact

the Muslim men in the Punjab have always endeavoured to make the Muslim law apply to the Muslim women also. It was the Government or the other people in the Councils who would not agree to it, and, therefore, the preponderance of Muslim men in the Councils in any way cannot be any hindrance in the way of the Muslim women getting their rights. On the other hand, we consider that contrary to the Holy Koran. We consider that no more injustice could have been done to the Muslims than to apply these laws to the Muslim women in the Provinces, and it is quite contrary to the Declaration of Queen Victoria, where it was said that personal law would be applied to Mussulmans and Hindus. (Dr. *Shujauddin.*) As a matter of fact, during the last Session of the Assembly one private Muslim member did introduce a Bill to the effect that all these customs shall be abrogated for the future, and that in matters of inheritance, and so on, only Muslim law should prevail. Unfortunately, this Bill could not be considered by the last Assembly, and it was not passed. I mention that only to show that even now, as things go, there is a very genuine desire among the general body of Mussulmans to see that personal law is brought back to the position which it ought to hold.

Mr. *Zafrulla Khan.*] One Member of the Punjab Legislative Council simply tabled a resolution of that effect and it could not be discussed, because it was not reached. The Punjab Council itself has not the power to make that change.

*Miss Pickford.*

9626. You admit then that at present there is an inequality?—(Mr. *Yusuf Ali*) As enforced by the British Courts.

9627. Taking the facts as they are, do you accept the official figures given in the Franchise Committee's Report that the women who will be qualified, on a property qualification, to vote for the Provincial assemblies will be under 2,000,000 as against 30,000,000 men?—(Sir *Mohammed Yakub.*) We cannot accept the corrections of the official figures always.

9628. You do accept them?—No, not always.

9629. But you cannot bring any figures to refute them?—Our experience is that during the last census the figures of the Muslim population in certain Provinces were tampered with to a very great extent.



1<sup>o</sup> Augusti, 1933.]

Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

SIR MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,

Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD

Sir N. N. Sircar.] In favour of the Muslims<sup>2</sup>—(Mr. Suhrawardy.) No, in Bengal in favour of the Hindus. (Dr. Khalifa Shujauddin.) No.

Miss Pickford

9630. Given that those figures are correct, the ratio of women to men voters will be 1 woman to 15 men. Do you think that that is likely to give them an effective influence upon candidates and Legislatures?—As much as they had in England.

Miss Pickford.] Perhaps I may pursue that point. Until women had an effective voting strength in England there was very little legislation to which women attached importance passed in the Houses of Parliament, and, since they have had an effective voting strength, there has been considerably more.

Mr. Zafrulla Khan.

9631. Is that the view of the whole Committee<sup>2</sup>—(Sir Mohammed Yakub.) My Lord Chairman, in India the interests of a man and a woman are very much more identical than they are in England.

Miss Pickford.

9632. The point that I want to make is this "that you attach great importance to the Muslim community being a minority community, having weightage in the Assembly and in the Provincial Councils and in the Services because of the disabilities from which they suffer as a minority community. Do you not, therefore, on the basis of equality, think that it is only fair that women should have some differential qualifications?"—The women do not belong to a separate community, they belong to the community to which their men belong, and there can be no difference of interests or no conflict of interests between men and women. Therefore, the analogy which you want to apply does not apply to the case of men and women. Women have never suffered on account of men in the matter of legislation anywhere in India.

Begum Shah Nawaz.

9633. What about the legislation against polygamy?—My Lord Chairman, I would not enter into the realm of religion. I think that our distinguished lady Member, the Begum Shah Nawaz, would find herself isolated in India, if she tried to take a step in the realm of religion.

Miss Pickford.

9634. In Sir Mohammed Yakub's statement, which he read to the Committee, he said it would not be fair to give a wife a vote in respect of her husband, and then deprive her of it when she became a widow. Is he aware, as a Member of the Franchise Committee, that that was not the proposal of the Franchise Committee, nor has it been adopted in the White Paper proposals?—Quite so, and, therefore, I say there is no logic in it. I want to point out the logic of the proposal which has been made.

9635. In answer to Begum Shah Nawaz, Sir Mohammed Yakub said that his views were held by the vast majority of the Muslim community. Is he aware that the note of dissent which he gave to the Franchise Committee's Report was not supported by his two Muslim colleagues?—My Lord Chairman, it was not objected to by them, only they did not care to put in a separate note, as I did. It does not mean that they differed from my views.

9636. Would it be fair to say that, perhaps, these views are not held by all the members of the Muslim community?—I think, my Lord Chairman, that these views are shared by most of the leaders of the Muslim community.

9637. Are the leaders, mostly, the older men of the community?—Older, as well as younger.

Mr. Davidson.

9638. I have only one question to ask, my Lord Chairman. When Mr. Yusuf Ali was replying to Lord Salisbury, I was not quite clear what his view was on one particular point, and it is this. It is admitted that if direct election is adopted for the Federal Assembly, the constituencies will be very large. Would I be correct in interpreting Mr. Yusuf Ali's answer as expressing the view that whether a constituency be large or small, or whether the electorate be large or small, the contact which a member has with his constituency and his electorate is good or bad according (a) to the effort made on the part of the Member to keep in touch with his electorate, and (b), upon the efficiency of his political organisation?—(Mr. Yusuf Ali.) That is perfectly true, subject to this qualification, that in the smaller constituency it would naturally be easier.

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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9639. But that no provision in any constitution can enable a candidate or a member to keep in touch with his constituency. That is a matter for himself?—Exactly.

*Lord Eustace Percy.*

9640. May I ask one or two questions just to try to elicit how you envisage Provincial Autonomy working? I gather from your reference to Income Tax that you wish, in any case, the whole of the Income Tax to be handed back to those Provinces where the taxpayer resides?—Yes, or where the income accrues.

9641. Then you would not wish India, as a whole, to concern itself with differences of administrative standards in different Provinces due to differences of wealth?—No, I would not say that. I think it is very important that India should be a united country, and I should certainly view it with misgiving, if India became broken up into a heptarchy or decarchy, or anything of that kind. I should like some uniformity.

9642. How would you get that uniformity?—We could get that uniformity, I think, by the power of control which the Federal Government will necessarily exercise.

9643. What power of control will the Federal Government exercise under your scheme?—Under my scheme, it would be as it is in the White Paper. The Governor-General-in-Council will have powers of control. His Government, the Federal Government, would have powers of control, and so on.

9644. I do not understand. Your paper, which you have placed before us, proposes that all the Services shall be recruited in the Provinces; that the Provinces should have complete control over the Services, and that the Federation would be left with no direct taxation which it could grant to the Provinces, and your whole scheme, I gather, is directed to wiping out, so far as possible, any control which the Federal Government can exercise over the Provinces?—No, not at all. I should view it as a calamity, if the Federal Government abdicated, to use a familiar phrase. I am giving my own personal views. The way I look at it is this. There are such large questions as Sea Customs and Defence, and Railways, and Foreign Relations, and so on. They must, necessarily, in any Federation be the concern of the Federation; but,

being the concern of the Federation, they yet touch most intimately every individual citizen in the whole of India.

9645. I was not denying that there were certain Federal subjects which would touch the individual, but your statement is that as many subjects as possible should be transferred to the Provinces and as few retained in the Federal Centre as possible?—That is right.

9646. Then let us take the question, purely as an example, of education. You will admit that Bihar and Orissa will have very much less money to spend on education than the Punjab, under your scheme?—Well, I do not know.

Mr. *Zafrulla Khan*.] Before the Witness replies, would Lord Eustace Percy, perhaps, inform the Committee whether education at present is, or is not, a Provincial subject?

*Lord Eustace Percy.*

9647. I am not dealing only with the changes in the present position. I do not necessarily think that the present position is Utopia?—May I just give an example? I have often wondered how the United States are held together as one nation. There the State is practically everything, and the Federation does control legally almost nothing, but I see, from personal experience, that the force which keeps them together is the common country; there are no Customs barriers there; free intercourse between all the people, from one end to the other, even though their laws are so diverse, and I contemplate an India where, geographically, there will be absolutely no barriers, or fewer barriers than now. Our Indian States will be part of the Federation, and, further, you could travel freely from one place to another and learn about one part in another.

9648. But do you realise that in Finance, for instance, Income Tax, and in Criminal and Civil Law, you propose to leave much less power to the Indian Federation than the United States' Government has?—But I should like to see more agencies for uniformity, of course.

9649. But only agencies for discussion, with no Constitutional power?—There would be agencies for discussion, because every Province would send representatives to the Centre.

9650. I know, but I say, you want merely agencies for discussion, with no constitutional power?—Yes; I want con-

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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stitutional powers in the Governor-General, and in his Government.

9651. But not in your agencies of inter-Provincial co-operation?—I should like agencies of inter-Provincial co-operation also.

9652. But with no constitutional powers?—With constitutional powers?

9653. What constitutional powers?—Where all the Provinces, for instance, have an inter-Provincial or inter-State Board, that Board might administer certain things, in the Railways, for instance, which will be a Central subject.

9654. But the Railways are a Federal subject?—Yes.

9655. We will leave that point. I will just put one further question on Finance. Do you contemplate that Sind and the North-West Frontier Province will be the only Provinces which are to have subventions from the Central Government?—I hope even those Provinces will be able to stand on their own legs.

9656. Does anyone share that opinion?—I think the Sindis share that opinion. (Sir *Mohammed Yakub*.) If there is full Provincial autonomy and the Provinces are allowed to run their Governments cheap, according to the resources of the Province, I think it will be soon that the North-West Frontier Province and Sind will both stand on their legs, as far as finances are concerned.

Mr. *Zafrulla Khan*.

9657. Does not the North-West Frontier Province stand on an entirely different footing from Sind?—(Mr. *Yusuf Ali*.) The Frontier Province has other interests; those are external interests, and that is an All-India interest, of course; but as regards Sind, I believe that the Barrage is a very great asset, although at present it has not been fully realised. It must eventually give Sind a very large source of income.

Sir *Phiroze Sethna*.

9658. What about Orissa?—I have not gone into the finances of Orissa, but I am very much hoping that Orissa will be able to stand in the same way.

Sir *Akbar Hydari*.

9659. I have only one question to ask, and that is, can you tell me, with your experience, as to what would be the

manageable size of a constituency in India which would really allow contact between the member and the electorate?

This is rather a theoretical question, is it not?—It would depend very much on the conditions. For instance, if you have a constituency where the communications are bad, even a small district would be difficult to run. On the other hand, in the United Provinces, with good railway communications and a dense population as near Aligarh, a very large constituency can be run by one person. It would all depend upon the circumstances. I do not think you can fix a standard for a constituency.

9660. Would you consider a minimum limit to be about 2,000 square miles?—Yes. It would depend upon the population and communications.

Sir *Austen Chamberlain*.] Do you mean, minimum or maximum?

Sir *Akbar Hydari*.

9661. In one sense, a maximum of 2,000 square miles?—Again that would depend upon the communications, and the population, and so on.

9662. But supposing that the conditions were most favoured, barring purely urban districts, in a district itself, say in the United Provinces, with which you are familiar as a District Officer?—Yes. I know some districts like Gorakhpur, which are huge and difficult to get about in. Other districts like Fatehpur, where the communications are excellent, the size is small and the villages are numerous. In a district like Gonda, large landed estates, well managed, are an asset on one side, and Forest areas an obstruction. I should not like to give an exact figure of a standard size.

9663. I do not want you to give me an exact figure, but some general idea in the neighbourhood of what mileage you would consider to be the maximum?—I think mileage would be very fallacious. You would have to take three factors, the area, the population, and the communications, and to evolve a formula including these three factors is rather difficult.

9664. Yes, it is difficult, I know, but it would be desirable to know, somehow. Give us two limits, something between so many thousand and so many thousand square miles?—I should prefer to leave it on its merits. If I were actually making constituencies, I should want to know how the population runs and what

1<sup>o</sup> August, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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the communications are, and so on. For instance, with the introduction of the motor-car, the distance is of far less importance than it used to be. If you take Hyderabad State, Adilabad would be quite a different constituency in that respect from Balda, and the surrounding districts.

9665. What would be the mileage at Aligarh, to which you have referred, which you think would be manageable?—I think you could have two or three districts there and run them quite well.

9666. Of what size?—Say about 50 by 60 miles each.

9667. That would be 3,000 square miles?—Yes, you could run two or three like that where the conditions are favourable.

9668. That is the most favourable, about 3,000 square miles?—Three times that, but I should not like to fix any limits.

9669. I am asking this because I want to know whether you said that the present system is direct election and it would be a retrograde step to go back?—Yes.

9670. You are aware that under the present system you have got a constituency for the Muhammadan member for the Northern part of Madras which is 83,000 square miles?—I know, but on the other hand, remember that there will be only a few Mussalmans, so your electoral roll will be very small and you could send your circulars by post, and could get about quite easily. That is why I am averse to fixing any geographical area as a limit.

9671. With regard to Muhammadans at least, owing to their special electorates, the size of the constituency will be very large?—It is very large.

9672. One member would have, for instance, to travel all over an area like Great Britain, or an area like England and Wales?—I consider that area very small for India.

9673. For one constituency, you would consider that small?—Yes. (Sir Akbar Hydari.) Then I have nothing to say.

Sir Manubhai N. Mehta.

9674. With regard to the question of direct and indirect election, your express legitimately a preference for direct election for the Federal Assembly. I believe you know that in the case of the Federal Council of State, the method suggested by the White Paper is indirect election?—Yes.

9675. Would you have the same indirect election for the Legislature also, or would you have a separate kind of election?—I do not understand your question. Do you mean instead of the indirect election, as suggested in the White Paper, would I have direct election?

9676. No. What I want was this. For the Federal Council of State, you know the scheme suggested by the White Paper is that of indirect election?—Yes.

9677. That is, election through the Provincial Assemblies?—Yes.

9678. Would you like to have the same sort of arrangement for the Assembly or a different one?—I do not think my association would like that at all.

Mr. M. R. Jayaker.

9679. You would like to have direct election for both the Houses?—We have not considered it. We have accepted the other thing as a *pis aller*, but probably a direct election in both Houses would be better as far as I am personally concerned.

Sir Manubhai N. Mehta.

9680. One or two questions about the States. You say in your memorandum, paragraph II, under the heading of "The Federation of India," "we feel that there are great difficulties in working out an All-India Federation in which the Indian States must necessarily influence British Indian policy while British India will be precluded from interfering in the internal affairs of the States," and as a remedial measure you suggest that as few subjects should be left in the Federal lists as possible. Would you also be satisfied with an agreement from the States that a Convention may grow, that the representatives sent, nominated by the States may not embark at all upon subjects concerning British India?—That would be acceptable, but I see great difficulties in working it.

9681. If there is a possibility of a Convention growing, would it be acceptable to you?—I think it would be acceptable. We have not considered that point.

9682. Then lower down you say, "When, as at present, it is intended to give considerable representation to the States, one-third of the seats of the British Indian Provinces, if reserved for Muslims, will give them about 22 per cent. of the whole House," and, therefore, you ask for additional weightage in

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Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

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the whole House Why do you assume that the representatives nominated in the States will not be Mussalmans?—I do not say that they will not be Mussalmans, but the States' population as a whole is overwhelmingly Hindu.

9683. It is not merely the population standard that the States have accepted, the States have reserved the right of nomination?—I know, but take a State like Hyderabad, which is Muslim as regards the ruler, but where there is a large Hindu population, I think it is inevitable that a certain number of Hindu representatives will come from Hyderabad.

9684. In the same way in Kashmere, you would expect a Muhammadan representation?—We should expect it, but whether we should get it is another matter. Kashmere is a very good example.

9685. So why do you assume that in Hyderabad?—Because if I had anything to do with it, I should probably do it (Dr. Khalifa Shujauddin.) Because Hyderabad is more advanced than Kashmere. (Mr. Abdullah Yusuf Ali.) Inevitably, my friend will bear me out, Hyderabad standards are a good deal higher.

9686. You have no reason to complain that up till now in any of these delegations sent to the Round Table Conferences or to the Select Committee the States have sent any disproportionately large number of Hindus?—Here, the States have each only sent one or two. It will be a very different matter when you have a large number sent from, as it were, the population itself. These representatives now are the the representatives of the Government, and we assume that the Government sends the pick of the people in the State.

9687. You understand I know that in the case of the Council of State it will be the Governments that will be represented, it is only in Assemblies that the people will be represented?—In the Council of State in British India—

9688. I am talking of the States?—It will be the Chambers. I do not know what it will be in the States. I think it will be representatives of the Governments but for anything I know to the contrary the States may have their own Parliaments, and in that case I suppose they will send representatives to the Council of State.

Sir Akbar Hydari.

9689. I do not for one moment want to imply that the standard of any one State is higher than another, but probably what Mr. Abdullah Yusuf Ali had in view with regard to Hyderabad was that the Prime Minister is a Hindu, that a very important functionary like the Commissioner of Police is a Hindu. Out of four Commissioners of Divisions, two, if I remember aright, have been Hindus, and so I suppose what he means is that inevitably in a State like Hyderabad some representatives that it would send would be Hindus. That is all and nothing more?—That is exactly my meaning, and I know it from personal knowledge.

Sir Akbar Hydari.] I do not for a moment want to say that our standards are higher than those of Kashmere.

Sir Manubhai N. Mehta.

9690. The same thing applies to many of the States, for instance, my own. It is a Hindu State?—(Mr. H. S. Suhrawardy.) It is an advanced State.

Sir Akbar Hydari.

9691. May I complete my question. In Aligarh, with which you are familiar, you said there are 3,000 square miles, and it would be able to have three districts. You are aware that the Lothian Committee reports that under its proposals, which were wider than those of the White Paper, excluding the Muhammadan and other special seats, the average constituency would be between 5,000 and 10,000 square miles?—(Mr. Abdullah Yusuf Ali.) Aligarh has an area of about 2,000 square miles, and I suggested that two or three districts of 3,000 square miles each should be worked together; I think the Lothian Committee went too much on their English experience. I think that here, where the whole country is so small, there is no comparison with India, where we are accustomed to big distances. We sometimes accept an invitation to dinner 20 miles away which we would not do in England.

Sir N. N. Sircar.] Yes; we do.

Begum Shah Nawaz.

9692 Do I understand aright from some of the replies which you gave to some of the questions this morning that the Mussalmans are opposed to the White Paper differential qualification for the franchise for women?—We are

1<sup>o</sup> August, 1933.]

Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,

Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD

opposed to a differential qualification for women.

Begum *Shah Nawaz*.] I wonder if you know about the Memorandum No. 2 that has been submitted to the Joint Parliamentary Committee on behalf of the three All-India Women's Organisations. In that Memorandum the qualifications that they have asked for are these. May I be permitted to read them to the witness?

*Chairman.*

9693. You asked the witness whether he knows about this memorandum. May I have an answer to that?—I know about the memoranda, but I should like to have my memory refreshed.

Begum *Shah Nawaz*.] In that Memorandum, women have accepted on the same basis as men property as one of the qualifications, and they have asked for literacy to be the educational qualification for both men and women, but instead of the White Paper qualification, that is that the wife of a voter should have the vote, they have proposed that men and women above a certain age should get the vote. Would you have any objection to accepting that?—My associations would object. I will not say what my personal view is. In these matters, as everyone knows, in the question of women's suffrage, there has always been a great deal of difference of opinion. I am here speaking not in my personal capacity but as representing these associations.

9694. Would you object to all these proposals for other reasons or for this reason only, that you feel that women should not become voters in large numbers?—I do not personally feel that.

9695. I mean your organisations?—I do not know whether I am entitled to say what reasons were at the back of their minds. Possibly, some people might have that as one of the reasons.

9696. I want to know from you the opinion of the organisations as such. Are they opposed to women becoming voters in large numbers?—I do not think so as far as I can judge, but they have not said anything of the kind.

9697. You say in paragraph (c) "Provincial Franchise": "The women should vote in the separate communal electorates of the communities to which they belong." Is not this the position, Mr. Yusuf Ali, that there is no communal feeling amongst the women in India at all, but

the majority of the Muslim women realise that, in the absence of a settlement between the two communities, separate electorates having been maintained, under the communal award it would be difficult for Muslim women to have seats reserved for them through joint electorates?—It would be difficult for women to have seats reserved for them through joint electorates?

9698. Yes?—You mean that Muslim women will stand a very poor chance in joint electorates? Is that your question?

9699. No; it is more than that. All I mean is that although there is no communal feeling amongst the women in India, the majority of the Muslim women feel that as seats have been reserved for them the electorates should be the same as those proposed for the men?—I think that is a matter for the women to judge. As regards the statement that there is no communal feeling amongst Mussulmans—

9700. Amongst the women of India as a whole?—Amongst the Muslim women as a whole—the Begum *Shah Nawaz* is a shining example in support of that, but there are other examples to the contrary.

9701. You said something about the Muslim women supporting your point of view. May I point out to you that there have been various meetings held in different Provinces—in Punjab and also in other Provinces—in places like Lucknow and others, and many of these meetings have been held under the presidency of some of our leading Muslim women. I suppose some of you know of these meetings. Could you give me any instance where the Muslim women or Indian women who have attended these meetings have not strongly protested even against the numbers recommended by the Indian Franchise Committee, and have used such words as these that "Injustice has been done to the women's claims under the White Paper . . ."—I believe many of the women have said so, but the number of vocal women in India is rather small, and that is apt to give one a wrong impression.

9702. Is it not a fact that in Lahore itself 5 meetings were held and one of these meetings was held in the Muhammadan Hall under the presidency of Lady Abdul Qadir?—(Dr. *Khalifa Shujauddin*.) A meeting was held, but I cannot say how far it was representative of the Muslim women of the Punjab.

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 Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

9703. May I tell you that it was attended by almost all the wives of all the leading Muslims as well as many of the educated women in Lahore?—If that is so, I would not be inclined to say that it was representative of the whole of the Province.

9704. I did not say that the meeting held in Lahore was representative of the Province. There were many meetings held in the Province itself. You would agree with me that the women belonging to all the communities who have been holding meetings have been asking for a good proportion of the voting strength of the country and you can say nothing that would be contrary to this, that any meeting held by any women in any Province would show that they would be satisfied with 2,000,000 or 3,000,000 women voters?—Judging by the Meetings that have been held, of course, it would be correct to say, as the Begum Shah Nawaz does say, that the vocal women do want representation, and we are not opposed to it. (Mr. H. S. Suhrawardy.) May I give a little bit of my own personal experience with regard to voting. It could well be said that the women at the meetings which they have attended—I do not know to what extent they are representative of the women of India—have said that they would like to have greater voting strength, but my little experience with regard to elections has shown me that even the women who have the franchise do not exercise it in India. We have seen this that particularly amongst women there is a very large number of false votes recorded and the women do not come to the polling booths to exercise their franchise. I really do not know what will happen if the franchise is extended, but I should think, from my past experience, that it will not be utilised.

Chairman.

9705. What do you mean by “false votes”?—The actual voters do not come to the poll.

Sir Phiroze Sethna.

9706. False personation?—Yes; they are impersonated.

Sir N. N. Sircar.

9707 By other women?—Yes.

Begum Shah Nawaz.

9708. Do you say that if women in large numbers were given votes they

would not exercise their vote?—That is my belief, that our social customs are such that should you artificially confer upon them the franchise at this stage, it will not be exercised to a very large extent.

9709. Do you think that it is only due to the social custom and not otherwise, social disabilities only that prevent women going to the polling booths in large numbers?—Yes. The social customs are certainly responsible.

9710. Is it not the fact, Sir Mohammed Yakub, that the custom of the written dower is freely practised among the Muslims?—(Sir Mohammed Yakub.) In a very large number of cases the amount of dowry is written on the paper at the time when the marriage is contracted. (Dr Khalifa Shujauddin.) Not dowry—dower.

9711. Mahar is the word?—(Sir Mohammed Yakub.) Dower and dowry are different things. I may say it is a part of the marriage, it is a consideration for the contracted marriage. Amongst the Mussalmans marriage is considered as a civil contract, and no contract as we know is valid without consideration. A dower or mahar, as we call it, is a consideration for the contract.

9712 Could you tell us whether there has been any instance where a husband or father has objected to the name of the girl being written in the document at the time of the marriage?—(Sir Mohammed Yakub) I do not think so, but that document is written in a very small circle containing only the names of the near relations. The whole bridal party attending the marriage is never shown that document and the name is not announced to them. Even the dean who performs the marriage, when he mentions the name of the bride, mentions it very softly, sometimes only in the ear of the bridegroom, so that others may not listen to it. (Mr H. S. Suhrawardy.) That is not so in Bengal.

Nawab Sir Liaquat Hayat-Khan ] That is not so in the Punjab either.

Begum Shah Nawaz.

9713 You said this morning that if I were to ask for legislation against polygamy, I should be isolated. I quite agree with you that if I were to ask for social legislation, I would be isolated, because this has become part of religion, but I wonder if you know that since 1917, I have been proposing resolutions which



1<sup>o</sup> August, 1933.]

Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,  
Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

have not only been unanimously carried but women present have signed pledges not to give their daughters or sisters to men who already have wives?—(Sir Mohammed Yakub.) Those meetings were attended by very few Muslim women, and those who signed did so because it would be considered unfashionable to go against the views of the meeting, but in practice they have not done it, and if I may be allowed to quote examples, in the very centre of Punjab—Lahore—I would point out that very leading educated Muhammadans and very leading educated women have married with persons who have two wives, but I need not mention them here.

9714. Is not polygamy a fast-dying institution in India at present?—It is, and it was never considered as an appropriate thing, in fact, among the respectable classes polygamy has always been looked upon as one of the objectionable things which are permitted under restricted conditions and circumstances. (Dr. Khalifa Shujauddin.) There seems to be some misapprehension in the mind of the questioner about polygamy. Polygamy is an institution. For polygamy to be permissible according to the laws of Islam is one thing, and for polygamy to be actually practised is another thing. I wish to inform the Committee that polygamy is only permissible. What is the actual proportion of people practising polygamy is a different matter altogether. Perhaps even the Begum Shah Nawaz will also agree with me that the number of people practising polygamy is very small. This does not, however, mean that any Muslim body of representative Mussalmans or any association will tolerate the idea of any interference in the matter of legislation with the institution of polygamy, and Mr. Suhrawardy was quite right when he said that if the Begum did undertake any such task, she would find herself utterly isolated. The very fact that these resolutions have been passed since 1917 and that a period of 16 years has made no difference in the outlook of the Muslim community ought to go to prove that point.

Sardar Buta Singh.

9715. Mr. Yusuf Ali, if I have rightly understood you, you mean to say that you personally and your Association are

in favour of direct election?—(Mr. Abdullah Yusuf Ali.) That is so.

9716. You have also said that the adoption of indirect election would be regarded as a retrograde step?—Yes.

9717. I would draw your attention to paragraph (c) of Part VII of your Memorandum, "Provincial franchise". With regard to Universities you say there: "The electorate should consist of the members of the Senate or the Court as the case may be." I want to put a question to you in connection with that, and it is this: Do you know what is the present system of electorate with regard to these Universities?—It is different in different places. In some places—as in the Punjab, which my friend knows very well—the election is in the hands of the graduates. In some places it is in the hands of the Senate, but our Association thinks that, on the whole, you get a better electorate by having a responsible body rather than by having a large number of graduates who have got out of all touch with the University and who do not really understand the questions which a University electorate ought to understand.

9718. Election in the hands of the graduates would be more democratic?—It would be more democratic to have the graduates, but we are not having democracy pure and undiluted.

9719. As regards the Punjab I think you would agree with me that the people would regard this step, if your proposal were accepted, as retrograde, and they would not accept it?—I think the Hindus would regard it as retrograde, but the Muslims would welcome it, and the Muslims form the majority in the Punjab.

9720. I think the Muslims do not want to have anything contrary to their own ways, and they forget the democratic principles. Is that so?—That is a matter of argument.

9721. I should like to put a question to Dr. Khalifa Shujauddin. I think you and your Association require certain safeguards because you think yourselves to be a minority community?—(Dr. Khalifa Shujauddin.) Yes.

9722. You would agree with me that you want similar safeguards to be granted as regards seats in the Punjab?—Subject to the general principle laid down already that any grant of any safeguards to any minority does not interfere with the efficiency, or the efficient working of the majority.

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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 Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

9723 You say in your Memorandum: "As regards the new province of Orissa, which was not dealt with by the communal decision, the weightage given to Muslims is inadequate and ineffective", and if I remember it aright, the reason given there is because they were so small, and if a little larger weightage were given it would be very good. Do not you think if you want a greater weightage in the Orissa Province we will be perfectly right in claiming similar treatment in the Punjab Province?—They have got it there, have they not?

9724. If you want more, we would be justified in wanting more?—It all depends I do not know what claim the Sikhs have put forward in that behalf.

9725. It is no question of claiming?—If they have not, it would mean they are satisfied with what they have got.

9726. That was not the question. There is one more question I want to put to you: What is your experience in the Punjab as regards the contact of the Members of the Legislative Council with the voters? Do you agree with me that there is sufficient contact between the representative and the voters? I should like to be explicit. The Punjab is mainly an agricultural Province, and the questions are mainly with reference to excessively favourable treatment of other races, and the people are always trying to put their grievances to their members?—The questions enumerated by Sardar Buta Singh I know are fairly important but do not form the whole list of questions in which the Legislative Council is interested.

9727. There is sufficiency of contact—I want to put that question to you?—The sufficiency of the contact is, again, a matter of opinion, because personally I feel that making the constituencies smaller would make the contact more effective

9728. That is what the White Paper scheme is certainly going to do?—Yes. So far as the demand or the claim for Sikh representation is being made I may be permitted to point out that I believe, and in fact all my Muslim friends also believe, that there is no difference whatever between the Hindu and the Sikh—in his outlook, or in anything for the matter of that; they inter-dine, they inter-marry, their customs are the same, their habits are the same, their demands are the same, and it is only because now things have gone in such a way that it

is felt that something more can be got out of the Englishman on the one hand and out of the Mussulman on the other by making two separate claims, one on behalf of the Hindu and one on behalf of the Sikh, that the thing is put in that way.

9729. In the Punjab Legislative Council the majority of the Sikhs have been voting with the Muhammadans. Their interests are common. As regards inter-marriages, I do not put much value on that, but I rather put value upon economic questions. We have similar economic troubles in the Punjab, we being agriculturalists and the Muhammadans, too. They are really agricultural people there, and I think my friend may re-consider his position?—I am very glad to hear that remark being made, but so far as the identity of interest is concerned, of course it is not surprising that if the interest of the Sikh is identical with that of the Muslim he would naturally vote with him. I quite appreciate the idea lying behind that statement. (Mr. H. S. Suhrawardy.) May I add something to this? We believe that in Punjab and in Bengal, in these two Provinces in particular, there is a far greater likelihood of the party system emerging and the Government being run on party lines rather than on communal lines than in any other Province.

Marquess of Lothian.

9730. Would you explain why you think that?—It is on account of the very effective weightage, or the very effective representation, as the case may be, which the minority, namely the Hindu and the Sikh members, have both in Punjab and Bengal, and it would be impossible for the Mussulmans, who have a certain majority there, not a very effective majority, to be able to keep down the minority. The result of it will be that there can never be a communal ministry there and we shall very soon (I think I shall be quite justified in my prognostication), have a political party system evolving in these two Provinces

Sir N. N. Sircar.] I do not want to interpose any questions, but I shall have to cross-examine him on these matters. I wholly deny this.

Marquess of Lothian.

9731. When you say a party system, do you mean that will go to the constituencies or the parties will be formed after the Members have been returned

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Mr. ABDULLAH YUSUF ALI, C.B.E.,

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to the Legislature?—That is difficult to say. I should think the Members will come in from the separate electorates, partly on party lines, and partly on communal lines, but once they come into the Council they are sure to combine themselves on party lines. I think when the turn of Sir N. N. Sircar comes, who proposes to cross-examine me, I shall be able to satisfy your Lordships that in Bengal we have tried to run the administration on party lines rather than on communal lines.

9732. May I ask one supplementary question on an important point? Let us take a possible line of division between town and country, merely for the purposes of illustration?—Yes, I find this division emerging and organisations being formed that will promote the division.

(After a short adjournment.)

Mr. Zafrulla Khan.] Some questions were put to you on some aspects of the constituent powers. I want to draw your attention to one aspect of this question. Apart altogether from the question as to whether the constituent powers should be left in the Indian Legislatures or should be reserved for the Imperial Parliament or should be divided up, would you agree with me that a condition precedent of the modification of certain methods, for instance safeguards in the method of election and the composition of the different Legislatures and so on, should be that any change must have for its support the effective consent of the communities?—(Mr. Abdullah Yusuf Ali.) Most certainly.

9734. With regard to the methods of direct and indirect election, would you be willing to go so far as to say that there are advantages and disadvantages in support of each system, but that on the whole your inclination is in favour of a direct election?—Yes, that of the Associations I represent.

9735. May I draw your attention to one matter which I do not find referred to in your memorandum, which is this. Certain questions have been raised as to whether one method of election or another method of election will truly reflect the views of the electors and you have yourself stressed the aspect that we are seeking to travel towards a democracy. Have you considered the composition of that portion of the Legis-

9733. Does that mean that in the Muslim electorates, on the one side and the Hindu electorates on the other, the contest will be between those members who stand, say, for the urban point of view and those who stand for the rural point of view, and that you will get a section of each communal electorate—a Muslim electorate divided between urbanly-minded people and rurally-minded people, and the same with the Hindus; and, therefore, you will get a party in the Legislature composed partly of Muslims and partly of Hindus. Is that your concept?—Yes, certainly, that would be a difference on which political parties can be based. (Mr. Abdullah Yusuf Ali.) That is already visible in the Punjab to-day. My friend, Chandri Chhotu Ram, leads a party of which it is said that the greater number are Muslims.

lature which will represent the Indian States? To what extent do you consider this will be in accordance with your ideal?—Well, I think in a matter like that we ought not to put any dogmatic views about the Indian States. Their representatives are here, and no doubt they will work out a scheme that will fit into our ideas of federation. At the same time, I should like to say that I should very much welcome personally any advances made in the Indian States which will bring them more into conformity with our standards in British India.

9736. From one method that you put before the Committee I was inclined to draw certain conclusions, and I want to put them to you so that you will set me right if my conclusion seems to you to be wrong as to your views. You said it may be that in course of time representatives from the Indian States may be returned by the Legislatures that may be set up in the Indian States?—I said so.

9737. And then certain communal proportions may not be observed. I rather received the impression that you did not wish that that might come about but that representatives of the Indian States should be returned by the Legislatures without that happening?—No, that is not my view. I would leave out the States entirely, but I should like to see some sort of representation from the people of the States. Just as we are trying to

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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educate our people in the methods of government and of representation wherever it is possible, I should like to see the Indian States follow similar lines. I may say, for instance, on the question of indirect election, I should have no objection to the States following any methods of their own. What I was saying mainly refers to British India and to the accepted principles there—those which were discussed and accepted by our Conference and our Associations.

*Dr. Shafa' at Ahmad Khan.*

9738. You would not regard that as a condition of representative government?—No; to regard that as a condition of representative government would be practically to postpone it to the Greek Kalends.

*Mr. Zafrulla Khan.*

9739. May I draw attention to page 4 of your memorandum headed "B. Upper Chamber or Council of State." Some of you may have observed in the Secretary of State's evidence which you have perused a scheme which he has suggested to meet what you have put down here in a way which would be briefly this: Under a system of proportional representation from the local legislatures the Muslims might get a certain number of seats. They might make up their one-third share by a few seats. The suggestion he made is that those few seats might be made up by allotment to certain Legislatures who might fill those seats by electing Muslim members, and in that election the Muslim members of those Legislatures alone shall take part, and in this way the one-third shall be made up. I see quite well that that is different from what you suggest here, but when you drew this up very probably you did not know what the suggestion was on the other side. Have you any observations to make upon that suggestion? Would that meet with your wishes?—(Mr. Abdullah Yusuf Ali) Well, I think it would go a certain way towards meeting our wishes, but I am not quite sure how it would work. (Dr. Khalifa Shujauddin.) May I add this. According to what the Secretary of State said, according to the reports in the papers, one finds that the Muslims according to the allocation will not get any more than 42 to 45 seats.

9740. He said 45 to 46?—He said 45 to 46, but I think he has been rather

sanguine about that. I should be rather inclined to put the figure at round about 42—nearer 42 than 45, and filling up the remainder by giving the special seats and trying to make it one-third in that way. The system suggested by the Secretary of State for making up the deficiency in the numbers of Muslim members of the Council of State would not be acceptable to the Muslim organisations generally for two reasons: (1) that the method does not guarantee in the first place a one-third of the whole House: and, secondly, it cannot be said that the Muslims elected in that way would be truly representative of the Muslim ideas and Muslim claims and Muslim rights. On those two grounds I think I am right in submitting that the scheme suggested by the Secretary of State would not be acceptable to the Muslim community generally.

9741. Would you then still adhere to what you have put forward under heading B?—Well, we would strongly urge that the representations of the Muslims for the Council of State should be by the Muslim members of the various Legislatures through their separate electorates.

*Dr. Shafa' at Ahmad Khan.*

9741A Voting among themselves?—Voting among themselves

*Mr. Zafrulla Khan.*

9742 With regard to sub-head (iii) under heading D, you say: "No seat should be filled by nomination"?—On that point Muslim opinion is also strong.

9743. I wish to draw your attention to this, that at present the proposal is that there shall be a small number of nominated members in the Upper Federal Chamber. I can understand from this clause you object to that small proportion being nominated, but, in case nomination is retained, in spite of your strong views that nomination should go, have you any suggestion to make with regard to these nominated members and with regard to their method of allotment?—Yes. I would say that if nomination is to be retained at all then the power of nomination should be exercised in such a manner as not to disturb the proportion of Muslims; that is to say, the Governor-General should nominate so many Muslims in order to make up their quota of the whole House.

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 Dr. KHALIFA SHUJAUDDIN, LL D., and Khan Sahib HAJI RASHID AHMAD.

Lord Irwin

9744. Is your objection to nomination a fear that it might upset the communal balance or on general grounds?—On general grounds, but I said simply, in answer to the question, if it is going to be retained in spite of our views, then we would have it worked that way That is our position.

Mr. Zafrulla Khan.

9745. With regard to the franchise for women, I do not want to embark on any matters which have been the subject of a discussion which has already taken place, but may I put this briefly to you. Should I be correct in assuming that your objection is the differential qualification, and that if some qualification could be devised, provided it were practical and provided it applied both to men and women, would you have any strong objection to it merely because it increased the number of women voters?—No. We were asking only for a personal franchise qualification.

9746 I was rather under the impression from one answer that even that kind of qualification was not accepted?—No! no!

Sir Austen Chamberlain.

9747. May I ask one question on that. Have you any proposal to make for some other qualification for women which would give them something like equivalent weight in the electorate to that which they would have under the White Paper?—(Sir Mohammed Yakub.) If certain invidious laws and customs which exist in many of the Provinces are removed, there would be no difficulty about bringing in a larger number of women on the electoral roll

9748. I am afraid I do not quite know enough to understand that answer to the question?—My point is this It is on account of certain laws and certain customs in certain Provinces that women are deprived of their right of voting. If those unwholesome laws and customs are removed then there will be no difficulty in bringing a larger number of women on the electoral roll

Mr. Zafrulla Khan.

9749. We are getting into a circle. We have been told, and no doubt it is true, that with a larger number of women on the electoral roll it would be easier to modify these laws But you say we

must get the laws modified first and then it will be easier to get women on the roll?—(Sir Mohammed Yakub.) I do not admit the first proposition. It is not necessary in order to get these amended that there should be a larger number of women in the Council Chamber. So far as the Muslims are concerned probably the men are more strong on the point that these customary laws should be removed or abolished.

9750. I cannot put it on numbers, as I have not looked very carefully at the numbers, but perhaps some sort of educational qualification applied equally to men and women would better the proportion of women?—Certainly. We do not want the differential qualification Barring that, if there are any qualifications which are similar for men and women then we have not the slightest objection to raising the number of women on the electoral roll. (Dr. Khalifa Shujauddin.) Subject to the general condition that what is devised is practicable

Sir Hari Singh Gour

9751. You say on the one hand you want to amend the law and yet you say you do not want to amend the law—I do not understand your position?—We mean that we do not desire that religious laws should be interfered with by Bills in the Legislative Assembly.

Mr. M. R. Jayaker.

9752. What do you mean by religious laws?—Laws which relate to matters affecting our personal customs and the religion of Muslims and so on

9753. If the law of inheritance is a religious law from the point of view of the Muhammedans, how is it possible to change the form of inheritance to give women certain property rights?—In the case of Muslims, do you mean?

9754. No, I am not speaking of the Muslims. If you have a rule applicable to all classes that religious laws should not be altered, is that to be a general rule, or do you mean that it shall only apply to the Muslims?—No, I would leave it to every community to consider for themselves. If they want their laws to be altered by the Legislative Assembly I would not have any objection to that, but so far as the Muslims are concerned I would not like the Legislature to interfere in my personal religious customs and laws.

1<sup>o</sup> August, 1933.]

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[Continued.]

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Dr. KHALIFA SHUJAUDIN, LL.D., and Khan Sahib HAJI RASID AHMAD.

Sir *Hari Singh Gour*

9755. You have told us that the marriage law is a civil contract under Muslim law?—Quite so.

9756. Yet you say that the marriage law is a religious law?—The marriage contract is a civil contract, but the whole system of marriage is interconnected with religion—it is a matter of religious instruction as well.

Mr. M. R. Jayaker.

9757. You realise that if every community set up this claim that nothing affecting religion shall be altered, no reform is possible?—I cannot say about other religions, but I do not think that there is anything in the Muslim religion which will stand in the way of reform.

9758. You realise further that if the Muhammedans set up such a claim for themselves the other communities will demand similar protection?—It is open to every community to ask for whatever protection they think necessary to protect their religion.

Mr. *Zafrulla Khan*.

9759. In order to meet one small difficulty we are getting into a much larger difficulty. I think you will realise that it will perhaps be easier to devise some qualification than to wait for a modification of laws. However, probably what you have in mind is this. So far as the Muslims are concerned, you have already developed the point that under their present law women have a certain share of inheritance, but in some Provinces customary law interferes with this. But may I put it to you that people who do want to follow custom have an equal right to ask that the law applicable to them shall be safeguarded as you have to ask that your present laws shall be safeguarded, so I think we need not get into a discussion of that kind if I have your support to the suggestion that an equal qualification can be devised?—(Sir *Mohammed Yakub*.) I have already expressed our view on that.

*Chairman*.] Did you conclude your question, Mr. *Zafrulla Khan*?

Mr. *Zafrulla Khan*.

9760. I said if I had the Witness's support on that point I need not pursue this matter further. Quite right?—(Mr. *Abdullah Yusuf Ali*.) To be perfectly frank, it is difficult to devise any general

formula which will bring in men and women in equal numbers. But my point is that gradually with the increase of education amongst women with the improvement of their social status and with the advance in social standards it is inevitable that women will come in in larger numbers. We are not legislating for just at present or for the immediate future. We are legislating more and more with a view to normal conditions, and I contend that if some educational or other formula is adopted gradually the number of women would come up to the number of men.

Sir *Austen Chamberlain*.

9761. May I ask the witness one question on that point? What is the educational test which you suggest? I gather from your answers that to rectify the disability of women at this moment, if the qualification in respect of their husbands is withdrawn, you look to educational work and an educational test?—Yes.

9762. What is the educational test?—I will go so far as literacy, if necessary.

9763. You would take literacy?—Yes.

9764. You say "if necessary". Can you give me an answer without a qualification?—I am saying "if necessary" for this reason—that I have not consulted my colleagues and I am here speaking my own mind. I do not know how many people it would let in, but personally I should be quite prepared to accept as many people as come in under the pure literacy test. (Sir *Mohammed Yakub*.) Where it is practicable.

9765. Without requiring a school or university diploma?—(Mr. *Abdullah Yusuf Ali*.) That is so.

Sir *Austen Chamberlain*.] Forgive me for pursuing this, but I am very anxious to get at the mind of the witnesses on this point.

Mr. *Zafrulla Khan*.] Certainly.

Sir *Austen Chamberlain*.

9766. May I ask whether the answer is agreed to by those who are sitting on either side of you?—(Mr. *Abdullah Yusuf Ali*.) I do not know that.

9766A. May I ask them to tell us?—(Sir *Mohammed Yakub*.) Well, we have no objection providing it is practicable under the conditions in India—if it is practicable to have such a huge electorate

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as would include all the literate persons. We have to consider the area of the country and the very large number of people in the population, and we have also to consider that we are going to make a start and therefore we should not make such a start as would make the elections impossible.

9767. That is a general answer I take it—you would have no objection in principle to the literacy test?—No, not in principle provided it is practicable.

9768. Provided it is practicable?—(Dr. *Khalifa Shujauddin.*) That is so.

Mr. *Zafrulla Khan.*

9769. Those are considerations which those who are asked to put into operation the reforms will have very much in view?—(Sir *Mohammed Yakub.*) Yes.

9770. May I draw your attention to page 6 of your Memorandum? I do not want to re-open matters which have been settled but there are one or two aspects of this particular question which have been raised which I want to clear up. Sirdar Buta Singh put certain questions to Dr. Shujauddin and I want to put one or two supplementary questions from rather another aspect. From the figures supplied to us one finds, and it is corroborated by the table in Appendix 3 of the White Paper dealing with provincial legislative assemblies, that so far as Orissa is concerned the only other minority which has any seat is the Indian Christian minority one seat?—(Mr. *Abdullah Yusuf Ali.*) And backward areas.

9771. With regard to that I may inform you that it has been the case in Orissa that the backward areas have definite affinities with the Oriyas?—Yes.

9772. That being so may I put this aspect of the case to you? So far as this complicated and vexed question is concerned of weightage, would you agree with me that one consideration always is what kind of representation would all the minorities combined get under this scheme so that they could influence when all combined together the decisions of the majority to a certain extent?—I should like to suggest that the Muslim minority should not be treated simply like any other minority, for this reason. In Orissa locally it has very little strength,

but in India taken as a whole it is a very strong body, a body even stronger than its mere figures would represent. That is why I think that a Muslim who happens to live in Orissa should not be penalised for the reason merely of his residence there from exerting his proper influence?—(Dr. *Khalifa Shujauddin.*) Apart from what Mr. Yusuf Ali has said may I say this in addition? In deciding the question of weightage what we ought to take into consideration is not merely the numerical figures of the particular minority concerned, but also the fact as to what influence the minorities in that particular province are going to exert. I am very strongly of opinion that is a very important matter to consider.

9773. You think it is a very important aspect of the case?—It is a very important aspect of the case. That is an aspect which cannot be ignored for this reason. After all, the principle of weightage is based on the consideration that the minorities shall get some sort of effective representation or some sort of opportunity of voicing their sentiments in the particular Council concerned. If minority A, coupled with minority B and minority C in a particular province all taken together remain at a very low figure it is not possible to say those minorities have any proper share of representation. That is also a very important factor to be considered in determining the weightage to be given to any particular minority or to any group of minorities in any particular province.

Mr. *M. R. Jayaker.*

9774. Will you kindly refer to Appendix 3 in the White Paper and look at the North West Frontier Province and Sind. There are few minorities there in addition to the Hindu minority?—The Muslims are in a majority there.

9775. So far as the North West Province and Sind are concerned there are hardly any minorities there beside the Hindus?—I do not quite follow your question.

9776. You stated that the absence of other minorities in a province ought to indicate that the Muslim minority ought to have more protection than otherwise. That was the point which I put to you before. What I am saying is, if you look at the North West Frontier Province under the several headings, and also the Sind Province, you will find there are



1<sup>o</sup> August, 1933.]Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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practically no other minorities there besides the Hindu minority?—I do not understand you. In the North West Frontier Province the Muslims are in a majority.

9777. I am speaking of the Hindus. There are hardly any other minorities than the Hindus in the North West Province and Sind?—Yes.

9778. Therefore, according to your argument, the same considerations must apply to the extra weightage of the Hindu minority?—Yes, and my contention is that they have got the same consideration.

9779. You agree the same consideration should apply?—Yes, only I say that it has been applied.

Mr. Zafrulla Khan.

9780. May I put it to you in the North West Province the Hindus and Sikhs have been given 24 per cent. of the total representation?—(Mr. Abdullah Yusuf Ali.) Yes.

9781. And that in Sind the Hindus and Europeans have been given just over 33 per cent?—Yes.

9782. But that the total given to all the minorities in Orissa is only 8.4 per cent.?—Yes, that is a very good point.

Sir Hubert Carr.

9783. Do you think that the addition of two seats in the case of Orissa might help ultimately?—(Dr. Khalifa Shujauddin.) It would help to some extent—four seats to the Muslims will help.

Mr. Zafrulla Khan.

9784. Have you noticed also that the representatives of the majority before the Committee have said they would be glad that the Muslim representation should be raised from two to four seats out of sixteen?—I have not seen that.

9785. Do not you think the fact that that is said ought to be a prevailing consideration?—The fact that the majority in a particular province is willing to give more weightage to a particular minority should go a long way in deciding that particular point?—(Mr. Abdullah Yusuf Ali.) It is a decisive argument, if I may say so.

9786. Let me draw your attention to sub-heading (b) on page 6 under the heading "Upper Chambers." You are aware what the proposal is as to Upper Chambers in the three Provinces, Bengal, Bihar and the United Provinces? Here you

have said "There should be no Upper Chamber in Bengal." Have you any other view with regard to the other two Provinces or do you accept the White Paper proposal that there should be Upper Chambers in the other two Provinces?—(Mr. Abdullah Yusuf Ali.) May I say this. With regard to Bengal the position is so clear because the Legislative Council and public opinion have declared themselves against a Second Chamber.

Sir N. N. Sircar.

9787. Not emphatically?—Well, I will omit emphatically if you think it is too strong a word. But with regard to the United Provinces and Bihar the position is not quite the same. There are many of us who do not want Second Chambers in either of those Provinces; but we consider on the whole we should not prevent those two Provinces from having Second Chambers because there are some of us who think that Second Chambers are important and should be allowed in these Provinces. (Dr. Khalifa Shujauddin.) As a matter of fact, the United Provinces themselves have asked for a Second Chamber. (Sir Mohammed Yakub.) The opinion in the United Provinces is pretty strong about having a Second Chamber, and in that respect we support the proposal of the White Paper.

Dr. Shafa' at Ahmad Khan.

9788. The United Provinces Legislative Council has passed a resolution in support of that view?—Yes, they have, and I think that public opinion is pretty strong in support of that view.

Mr. Zafrulla Khan.

9789. With regard to nomination in the Upper Chambers of the Province, may I assume your views are the same with regard to nomination in the Upper Federal Chamber?—(Dr. Khalifa Shujauddin.) Yes.

9790. May I put a further question on this question of nomination. It has been suggested that it should be open to the Governor where there are Upper Chambers, and the Governor-General in the case of the Upper Federal Chamber, to select one or more Ministers or even the Prime Minister or the Chief Minister, as the case may be, out of the nominated members. Have you any views on this

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question?—To that we would object most strongly.

Sir Austen Chamberlain.] Will you ask the witness whether he would object equally strongly if the Governor only exercised that power on the advice of the Prime Minister or his Cabinet?

Mr. Zafrulla Khan.] It is rather difficult for me to explain this question. I have tried to do so because I want to understand it myself. I do not understand whether it was meant that the Prime Minister should first be selected and that he should provisionally form a Cabinet and then the Prime Minister and the Cabinet or the Prime Minister on behalf of the Cabinet should make a request to the Governor-General or to the Governor that one or more members may be added to the Cabinet from this group.

Sir Austen Chamberlain.] Those are two distinct proposals no doubt.

Mr. Zafrulla Khan.] The first one I put generally.

Sir Austen Chamberlain.] The one which I put definitely to the Secretary of State, which he thought was worthy of consideration, was whether Ministers desiring a colleague who was not the holder of an elected seat should be deprived of the chance of having him—in other words, whether a nominated member could never be made a Minister even if Ministers desired him as a colleague. I did not enter into the question as to whether it would be the Prime Minister on forming his Cabinet who should ask for it or whether it should be the Ministers who should ask for it, but the point is that it would be done only with the concurrence of the Ministry. Would your objection apply if the Ministers asked for it?

Mr. Zafrulla Khan. Do you mean ministers who have already been chosen? Do you mean they have accepted their portfolios, and having done that they make the request?

Sir Austen Chamberlain.] Yes.

Mr. Zafrulla Khan.] They make the request then to the Governor that certain persons from the nominated members should be added to the Ministry?

Sir Austen Chamberlain.] Yes.

Mr. Zafrulla Khan.

9791. I would like to know your opinion on that?—(Mr. Abdullah Yusuf Ali.) There is this difficulty about it. According to the Secretary of State's evidence

there is neither a Prime Minister nor joint responsibility of the ministers at the beginning in the Constitution. He thought that might grow up as a convention or as a custom. In that case can there be what is called a recommendation of the Ministry—there is no joint responsibility. One or two ministers might want a man and the other two ministers perhaps might not want him. How are we to judge whether the request has the unanimous consent of all the ministers?

Nawab Sir Liaquat Hayat-Khan.

9792. May I clear up that point by asking one supplementary question so as to understand exactly what is meant? The Council is elected and the Governor or Governor-General sends for the representative in the Council who has the largest following and offers him the Prime Ministership and then asks him to form a Cabinet. The point is, is it open to the Prime Minister to suggest as one of his colleagues a nominated member of the Legislature?—(Mr. Suhrawardy.) I should think it would be very improper. It would be an incentive to people to try and seek nomination rather than election. (Mr. Abdullah Yusuf Ali.) It would cut the ground from under the feet of the elected ministers, I think.

Sir Austen Chamberlain.

9793. You do not wish to have for India the liberty that any Prime Minister has of forming a Government here, through the existence of our House of Lords, to secure as a colleague a man who has not gone through the process of election?—(Dr. Khalifa Shujauddin.) May I submit in reply that the analogy is not quite fair? I do not think it holds for the simple reason that here in England if a gentleman is raised to the peerage and becomes a Member of the House of Lords he, *ipso facto*, becomes altogether independent of the Government. He is a member of the House of Lords for life. It is hereditary. His son becomes a Member after him. He can behave and vote and act in any manner he likes irrespective of the wishes of the Governor-General or the Governor for the time being. In India conditions are different. A man would be nominated only for a term and he would have this sword of Damocles hanging over his head all the time. If he at any time goes astray—

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using that word from the point of view of those who nominated him—then he will lose his chances of renomination next time, and that consideration would always act to the detriment of the administration. (Mr. Abdullah Yusuf Ali) In other words, he is not independent

Dr B. R. Ambedkar

9794. Would your answer be modified to any extent if these nominations which are to take place for the Upper Chamber were nominations which took place on the advice of the Ministry?—(Dr. Khalifa Shujauddin) No, I do not think that would make any substantial difference (Mr. Suhrawardy) There is the present method that if a person is chosen as a Minister when he is not a Member of the Council he has to seek election within six months of his appointment. If a nominated member was so chosen I think he should certainly be asked to face an election before six months

Marquess of Zetland.

9795. Arising out of Mr. Yusuf Ali's reply, may I ask him whether he is in favour of or opposed to joint responsibility of the Cabinet?—(Mr. Abdullah Yusuf Ali) I think if we are to work representative institutions we must have joint responsibility and a Prime Minister.

9796. Your answer was based on the assumption that you would not have joint responsibility?—I understood from the published reports of the Secretary of State's evidence that he did not contemplate joint responsibility or even the existence of a Prime Minister as a matter of constitutional arrangement. I thought he said that would be left to grow.

Sir Austen Chamberlain.

9797. As it has in this country?—Yes.

9798. He hoped that that convention would grow up in practice in India also?—Yes, but the difference is this. In this country the whole Constitution grew, whereas in India we are making a Paper Constitution.

9799. What the Secretary of State said was that he did not think it advisable or useful to put into an Act a provision establishing joint responsibility?—(Dr. Khalifa Shujauddin.) That is what I understood.

The Archbishop of Canterbury.

9800. It was a mere matter of definition?—Yes, but where there was a convention of joint responsibility

Sir Austen Chamberlain.

9801. That was the Secretary of State's hope and I think Mr. Yusuf Ali has rather misunderstood the Secretary of States argument?—(Mr. Abdullah Yusuf Ali.) I should like to see something in the instrument of instructions or somewhere laid down about it. I do not say that it should be laid down in the Constitution but without some understanding of that kind in the framework of the proposals I think we shall have difficulties.

Earl Peel.

9802. May I ask one question in regard to Sir Austen Chamberlain's point. Would your objection to that proposal take this form? In such a Ministry which included a minister drawn from the nominated members the position would be that the other ministers would be responsible to a constituency, but this particular minister would be responsible to no constituency. Does your objection take that form?—(Mr. Abdullah Yusuf Ali.) Yes

Sir Hari Singh Gour.

9803. Further, if there is joint responsibility that responsibility is to the Legislature?—That is so.

9804. From which the ministers are drawn and who can remove the ministers?—Yes.

9805. Is that joint responsibility consistent with the fact that one of them is a nominated member and holds no allegiance to the Legislature?—I do not think it is.

Sir Austen Chamberlain.

9806. Why not? He would be a Member of the Government and as such responsible to the Legislature, even though he were not a member of the Legislature?—Well, I think the rule should be as was suggested, that if a person not a member of the Legislature is taken into the Ministry he should seek election within a definite period.

9807. I understand that is your view, but what I was trying to put to you was that the objection raised to the other

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suggestion is not a good objection. The ministers, whether chosen from an elected body or from the nominated members, would be equally responsible to the Legislature and would be displaceable by them?—Not if there is no full joint responsibility

9808. Why should there be no joint responsibility? There may or may not be, but assuming that the Secretary of State's hopes are fulfilled and there is joint responsibility the joint responsibility will cover the nominated member just as it does the elected member. May I have that question answered?—It seems to me that even there the joint responsibility would be different in quality. The elected man's responsibility to the Legislature arises in virtue of the fact that he is sent there by his electorate, but the man who is nominated has no position of that kind.

9809. I have no responsibility to the House of Commons in virtue of being elected, but I had a very real responsibility to the House of Commons when I was a Minister of the Crown dependent on the vote of the House of Commons?—But you were responsible to the House of Commons as a Minister because you were sent to the House of Commons by your constituents.

9810. Not at all. Some of my colleagues in the Government, as in every Government in this country, were drawn from the House of Lords. Their joint and several responsibility is equal with that of their colleagues though they undergo no election?—I quite understand that but that again is a different feature of the British Constitution. The House of Lords in England is representative of a certain section of people, the nobility, because it practically includes the whole of the nobility of England and elected members of the nobility of Scotland. That being so, he does owe his position to the fact that he is there because of his roots in the country.

9811. Not at all?—The peer is there because the peer in the old days was practically the boss.

9812. I listen to the witness with great respect when he talks of Indian conditions, but when he expounds the British Constitution he must permit me to remain of my own opinion?—That is perfectly right.

Mr. Zafrulla Khan.

9813. May I put this consideration to you? Do you think the Ministries in the seven Provinces where no Upper Chambers are sought to be set up are likely to be defective in any way and lack talent because there would be no nominated members from which somebody resembling their Lordships could be chosen as a Minister?—I do not see that at all.

9814. Therefore you cannot see why it should be necessary that the Governor should have that help only in three Provinces out of 10?—Quite; and I do not think it is likely that Ministers will recommend people who are of the Upper House.

9815. May I draw your attention to Section VII, subhead (c) (1), "Universities," in your Memorandum? Sardar Buta Singh was putting questions to Dr Shujauddin, and he said that the suggestion that the electorate of this constituency should consist of members of the Senate or the Court was undemocratic and I put this to Dr. Khalifa Shujauddin, that under the very next head, "Commerce," surely there would be no suggestion that every shopkeeper and trader should have a vote. Is it not rather that special interests are sought to be represented under these heads, and the University being the seat of learning, the vote is given to learning rather than to education?—(Dr. Khalifa Shujauddin.) I wanted to say the same thing. The mere grant of a seat to a University is not because of democratic considerations, but because it is considered desirable to have a seat of learning also represented on the Provincial Council, and if you are going to attain that end then the only possible way seems to me to be to have a constituency of people who are directly associated with learning. To give a vote to a graduate as at present of seven or 10 years' standing amounts to giving a vote to a person who in nine cases out of 10 is detached from the University and has most likely taken the earliest opportunity of forgetting what he learned there and has nothing whatever to do with the University or its conduct or administration in the future, and on those grounds I think the desirable thing to do is to give a vote to the fellows or members of the Court as the case may be.

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Sir Hari Singh Gour.

9816. Would you in that way alter the English electoral roll?—I am not concerned with the English law. As Sir Austen Chamberlain pointed out just now, I am concerned only with India. We have sufficient difficulties of our own to tackle.

Mr. M. R. Jayaker.

9817. You agree there are two views about this question in India?—There are two views about everything in India.

9818. Not only that, but in many Provinces the system has been at work of graduates of a certain number of years' standing choosing the representatives?—That is the present system, and I may also inform you this question was considered by the Senate of the Punjab University of which I happen to be a member, and there it was decided to ask the Government to recommend that the Punjab University should have two seats, one filled as at present by the graduates, the Member being returned by the graduates, and the other Member should be returned by its Senate.

Mr. Zafrulla Khan.] That is a very good illustration of two views.

Mr. M. R. Jayaker.

9819. May I pursue that by one more question? Take the Bombay University. You are aware that the system their prevailing since the days of the Montagu-Chelmsford Reforms is that the graduates of a certain number of years' standing select the representative?—Yes.

9820. Are you aware that up to now the men selected have been men who have been in actual touch with the University?—I do not know that it is so.

9821. May I tell you that it is so. Therefore, your fear has not materialized as regards Bombay University, that men will get in who have no actual touch with the University?—I was saying that the electorate would have no direct touch with the University. I was not talking of the candidate returned. (Mr. Suhrawardy.) It is not only that the electorate may have no contact, but a candidate may be returned who has no contact with the University. For the Dacca University constituency a certain gentleman stood, who had no concern with the University, against a Member of the Court of Dacca, and a person intimately connected with its administration, and the gentleman

who had no connection with the University at all, except as an inactive Member of the Court, and who had taken very little part in the working of the University, was returned.

9822. Under your system in those Universities where the contrary system prevails, graduates of some years' standing who have at present the vote, will be deprived of it?—But they will have the right as members of the general public in respect of other constituencies.

Mr. M. R. Jayaker.] But not as graduates.

Mr. R. A. Butler.

9823. The Franchise Committee on page 138 of their Report say that in many cases the Senate is largely formed by nomination. That is their objection?—(Mr. Abdullah Yusuf Ali.) That is being altered now. The Senate is being more and more elected. (Mr. Suhrawardy.) That is a reform which ought to take place.

9824. Before you adopt your scheme?—(Dr. Khalifa Shujauddin.) I can only speak as far as the Punjab is concerned, and at present there is a scheme before the University for making the Senate or the Court more elective than it is at present.

Mr. Zafrulla Khan.

9825. May I draw attention to Section VII (f) of your Memorandum where you talk of the control of the Provincial Government over the All-India Services. I rather think you mean, although it does not expressly say so, that the Provincial Government should have control over all officers serving in the Provincial sphere?—(Mr. Abdullah Yusuf Ali.) Exactly.

9826. It was rather generally put there?—Yes.

9827. May I draw your attention to Section VII, sub-head (g) (1). "A substantial measure of Reform should be immediately introduced in Baluchistan." A consideration was put before you that the population was nomadic and there being customary laws and so on, there may be certain difficulties. Would something of this kind perhaps meet your wishes? There is, as you are aware already the Jirgah system in Baluchistan?—Yes.

9828. And the Shahi Jirgah, as it is called, performs many administrative duties?—Yes.

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9829. The Jirgah may be adopted as a provincial instrument for legislation and the unit may then be knit up into the Federation at the top just as any Indian State may be knit up, although they have no local legislature and so on?—That is a very good consideration, but it would have to be considered in view of local conditions and local wishes.

9830. I am sure you are aware that there is some difference—there is bound to be a difference—with regard to the size of the Federal Legislature, and I do not think it is a matter where you could be very exact, but what would be the views of your Associations as to whether the size proposed in the White Paper is the minimum from which we should start, with the view that some time hence, when the franchise is extended, we shall be forced to extend the numbers; or would you start with something smaller and work up to it gradually?—I think the first alternative would be more acceptable, although we have not definitely considered that point.

Dr. Shafa' at Ahmad Khan.

9831. Mr Yusuf Ali, I am sorry I have to deal with questions of women's franchise again, but could you clear up one point? Am I right in concluding from your replies to various questioners that the Muslim Conference as well as the Muslim League are not opposed to the extension of women's franchise?—That is correct. (Sir Mohamed Yakub) We are not opposed at all. (Mr Abdullah Yusuf Ali) In fact, I think there is a very strong desire to do full justice to the women.

9832. And you are prepared to consider any alternative proposal that may be put forward later on which is practicable and feasible?—Certainly. In that matter some of us, as individuals, would go even very much further than our Associations, but I think our Associations would certainly welcome any feasible proposals which did not cut across the principles which we have mentioned.

9833. Mr. Yusuf Ali, arising out of the questions which were asked by Lord Zetland, am I right in concluding from the replies that what the Muhammadans of Bengal have got, according to the White Paper scheme, is not a majority but a minority in the Legislature?—Yes.

9834. That they are only 47.7 per cent?—Arranged in the Constitution, where

as they ought to be a good deal more, I think 54 or 55 per cent.

9835. May I put this question to Mr. Suhrawardy: Is it possible for the Muslims of Bengal, even if they get a majority, to run the administration without the co-operation and support of the Hindus?—(Mr. Suhrawardy.) It would be totally impossible to do so.

9836. What has been your experience of the working of reforms in the last ten years?—I cannot conceive that a large and powerful minority like the Hindus—powerful both inside the Legislature as well as outside because their influence outside the Legislature and their numbers outside the Legislature will have tremendous influence—can be ignored, and it will be necessary in the formation of any Constitution that due and proper consideration is paid to their influence.

9837. Am I right in saying that no Muslim of Bengal or of India has ever said that a communal majority should rule over Bengal?—Far from it. The view of the Muslims has been that in no Province ought a communal majority to rule over the minority, and particularly in Bengal and in the Punjab it has never been conceived that there can be a government by a communal majority.

9838. You do not visualise any communal ministry in any Province of India?—I cannot say that. In some Provinces, particularly where the Muslims are in a very small minority, it might be possible to ignore their wishes, and that is the reason why we have put in a suggestion that there should be at least one Muslim Minister in every Province in which the Muslims are in a minority, but there is no Province I think in which the Hindus are in such an ineffective minority that they can be ignored in the formation of a Ministry.

9839. Our experience in the United Provinces Legislative Council has been that it has been impossible to form a communal party in the Council and every Muslim and Hindu has discouraged it. Do not you think the same conditions would prevail when responsible Government is established in all Provinces?—It has not been possible in Bengal at least to form a communal party. We have never been able to do it and it has been our experience that the Hindus and the Muslims have voted in the same lobbies on questions of separate interests, as their interests have been affected, rather than as communities.

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9840. So in future there will be party organisations which will work on non-communal lines both inside and outside the Legislative Councils?—I sincerely hope so and, more than that, in Bengal as is well known, we have had parties in which both Hindus and Mussulmans have been members

9841. And those parties must be non-communal in their outlook?—They are non-communal in their outlook.

9842. And non-communal in their policy and programme?—Quite so.

Marquess of Zetland.

9843. If that is so, Mr. Suhrawardy, if parties in Bengal are to be formed not on communal lines at all, but, as suggested, on lines between the urban and the rural interests why is there any necessity to have separate communal representation?—The reason for that is that we ought not to leave any loophole for, if I may put it, the increase of communalism. We think that separate electorates minimise communalism. That has been our experience. We come in from different sources, through different gates, Mussulmans and Hindus. They have come and sat together in the same Chamber, and they have co-operated with each other, whereas, in the case of joint electorates, unfortunately, it has been our experience that it has led to considerable exasperation of feeling

Archbishop of Canterbury.

9844. May I just follow that question for a minute? It is just the question I was going to ask: I think you have said that you would welcome the Governments passing outside the bounds of communal origin, and forming other links with one another, but, if the electors are strictly bound by these tight bonds of community, what is their position? They will have to vote according to communal interests and desires?—It has been our experience that the points of contact between the two communities are considerable. There are points of difference too. These points of difference cannot be ignored, and it is necessary therefore to see that the separate interests of the two communities are kept in view, but, at any rate, we are apt, if I may so put it, to minimise the points of contact as well. I can conceive the Hindu elector sending in a Hindu representative on say the rural issues, and Mussulman electors sending in representatives on the

rural issues. There can be no doubt that these two gentlemen when they come into the Council will combine together on certain political party lines, while, at the same time, if matters arose which definitely affected a community as a community, for instance, in the matter of services; in the matter of contracts; in the matter of education, or matters of this nature, then I would conceive that the Mussulman will see that his rights are not ignored, the Hindu will see that his rights are not ignored, and, on the other hand, this coming together and mingling on political party lines will certainly give them a certain sense of toleration, and a regard for each other's views, and a desire for compromise which at the same time conserve the interests of the two communities.

9845. The communal voters meanwhile would often be encouraged to vote on party rather than communal lines?—Yes, that is what is happening. At present there is a very strong movement on these lines that the Mussulmans are organising themselves on rural and urban lines, the Hindus are organising themselves on rural and urban lines

9846. From that it would seem that gradually the necessity for strictly communal electorates would disappear?—As soon as the mutual distrust and suspicion which unfortunately is there disappears, and I feel certain it is bound to disappear when we work with each other with a certain sense of responsibility, then there will be no reason to keep to separate electorates.

9847. Is it your view that in that case, supposing there are greater facilities for responsible Government in the Provinces, these communal tensions would be mitigated?—That is what we are hoping for. There is a risk certainly underlying it, but we are hoping that this would happen. There is a great justification, if I may so put it, for separate electorates that, as matters stand now, we are actually living in two separate compartments. We live as two peoples side by side. As a matter of fact that this is so can be proved by the fact that even in a city or a village there are quarters in which Muslims live as a whole, and quarters in which Hindus live, and, this being so, we do not know so very much of each other, and we seem to consider that under these conditions joint electorates would be a very artificial thing, whereas separate electorates will truly



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represent the electorates as they exist at the present moment.

Mr. M. R. Jayaker.

9848. I thought you said a few moments ago that the points of contact between the two communities were many, a few moments ago?—In the sense that all of us are interested in irrigation, all of us would be interested in health, all of us would be interested in all those beneficial works which would affect the population as a whole, totally irrespective of whether the population is Hindu or Muslim.

9849. You have a hope that out of communal majorities some day the majority will ask for joint electorates?—I think so.

9850. When do you think that such a millenium will be reached; at the end of what period?—It would depend on what kind of leaders we produce. (Sir Mohammed Yakeb.) That would come when the majority community would widen their outlook and become more tolerant.

Sir N. N. Sircar.

9851. That is so, and the Muhammadans are the majority in Bengal?—(Mr. H. S. Suhrwardy.) No, they are not; they are in a minority in the Legislature, and they are therefore unable to influence the Legislature.

Dr. Shafa'at Ahmad Khan.

9852. I gather that your point is that the fact of the existence of separate electorates has not militated against the formation of non-communal parties in the Legislative Councils and the Assembly for the last 13 years?—That is so.

9853. And in the future the more points of contact that may be created and developed owing to the creation of autonomous provinces the more the communal tension will decrease?—Yes.

9854. Therefore you hope you will have joint electorates in the fulness of time?—That is so.

9855. In reply to a question asked of you, am I right in concluding from the reply you gave that the All-India Muslim Conference and the All-India Muslim League are prepared to work the reforms as embodied in the White Paper?—(Mr. Abdullah Yusuf Ali) Yes.

9856. And, although you require modifications along the lines indicated in your Memorandum, still you are prepared to enter the Council and to work it, striving all the time to justify secure modifications in the Constitution on the lines

of your memorandum to the Committee?—We do not believe in non-co-operation, operation.

9857. The Muslim community as such during the last 13 years has been co-operating with the Government against civil disobedience and supporting law and order?—Very strongly.

Mr. M. R. Jayaker.

9858. There are many sections of the Hindu community who have done the same?—Certainly. (Sir Mohammed Yakub.) And we are delighted that it is so.

Dr. Shafa' at Ahmad Khan.

9859. Am I right in concluding from a reply you gave to Lord Salisbury, that the Muslim Conference and Muslim League are not opposed to the establishment of responsible government in the Centre as outlined in the White Paper?—(Mr. Abdullah Yusuf Ali.) No, they are not opposed.

9860. And the paragraph I am just quoting, paragraph 13 in the Introduction in the White Paper, is. "At the same time His Majesty's Government do not contemplate the introduction of the new autonomous constitutions in the Provinces under conditions which will leave Federation as a mere contingency in the future. It is probable that it will be found convenient, or even necessary, that the new Provincial Governments should be brought into being in advance of the changes in the Central Government and the entry of the States." Do you agree with this?—Yes.

9861. I was not quite clear as regards the reply you gave on the question of income tax. You are not opposed to the principle of uniformity of rate for income tax throughout India?—Not at all.

9862. Also you are not opposed to the distribution of the proceeds of the income tax among Provinces in accordance with any principles or suggestions that may be made late on after inquiry?—Provided it was equitable.

9863. And you would not be opposed to the retention even of a part of the income tax by the Central Government?—If it was absolutely necessary.

9864. You would not be opposed to it?—No (Mr. H. S. Suhrwardy.) Speaking for Bengal I think there is a very strong feeling there that the income tax collected from Bengal should be allotted to Bengal, otherwise we should not be able to carry on.

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Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

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Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

Sir Akbar Hydari.

9865. In addition to the jute duty?—Certainly in addition to the jute duty. (Mr. Abdullah Yusuf Ali.) Every Province would like to retain as much of the revenue as they could, but I think minor adjustments are possible.

Sir Hubert Carr.

9866. Did not I understand you were prepared to have certain adjustments with various Provinces of the income tax?—As I say, as a particular principle, we should like to see the income tax as a Provincial resource, but, if on a full review of the whole circumstances minor adjustments were necessary, I do not think there would be any difficulties about those.

9867. From your associations?—From my associations.

Dr. Shafa' at Ahmad Khan

9868. Mr Yusuf Ali, I do not know if you have studied the part of the White Paper dealing with Federal finance?—Yes.

9869. Do you agree generally with the framework of the scheme outlined in the White Paper regarding finance?—I think it is rather sketchy myself

9870. You want it more detailed?—I should like to see more detail.

9871. I am dealing only with the principles there, not with the detail at all?—Of course the Committee has had the advantage of a very careful study of the financial question before it, and I do not know that I can add any useful remarks.

9872. You are not opposed to the general principles of the Federal finance scheme?—No, but I do not see any very definite principles in the White Paper. I should like to see something more definite, something that I could picture to myself as leading up to a good financial situation.

Lord Eustace Percy.

9873. Is not what you want not a little more principle, but a little more money?—(Mr. H. S. Suhrawardy) May I say that we should not like to give up income tax to the Centre unless it was absolutely necessary for the financial stability of the Centre?

Dr. Shafa' at Admad Khan.

9874. With regard to the election of representatives to the Lower House, the Federal Assembly, contact with the electors will depend, will it not, partly upon the extension of the franchise,

because if the franchise is extended the constituencies will be smaller in size?—(Mr. Yusuf Ali.) Yes.

9875. The more the franchise is extended, the more the constituencies will be reduced in size and the more contact will be increased?—Yes

9876. The Muslim Conference and the Muslim League are both of the opinion that the present method of election to the Lower House of the Federal Legislature should be maintained?—That is so.

9877. Then regarding the constituent powers about which you gave certain replies to questions that were put, am I right in concluding from your replies that you do not wish to vest the Federal Government or the Federal Legislature with complete power to amend the Constitution in any way it likes?—That is so.

9878. And that you would like the Federal Legislature to have the power only of amending parts thereof which would not be objected to by the various interests concerned?—Yes; that has already been stated.

9879. You would not have any objection to the power to reform the franchise being vested in the Federal Legislature, provided certain safeguards for minorities are observed?—Quite right

9880. Then with regard to the Advisory Committee, a proposal was made that an Advisory Committee, or a Committee should be appointed to advise the Minister regarding Law and Order. Do you think that such a Committee can really function in a matter which is strictly Executive and administrative sphere?—I think it would be very difficult, and also the delays would be so great, that probably it would defeat its own object.

9881. If a Committee like this is appointed, it will interfere not only with the broad general framework of the scheme, but also with the day to day administration of Law and Order?—It will be a regular thorn in the side of the Home Member.

9882. Regarding Federation and Provincial Autonomy, am I right in concluding that you are prepared to vest the Governor-General in his discretion and the Governor-General in Council with powers which would bring about a certain amount of co-ordination among the units of the Federation?—Oh, yes.

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9883. And that these bodies will have purely advisory powers?—Which bodies?

9884. Inter-Provincial Councils or inter-Provincial bodies will be established to serve as a clearing house for an exchange of plans and co-ordination of programmes?—Yes, they must be purely advisory.

9885. Lastly, Sir Mohammed, could you tell me what the view of the Muslim community is regarding the representation of Muslims in the Federal Legislature?—(Sir Mohammed Yakub.) My Lord Chairman, that is a most important question, from the point of view of the Mussulmans. All that the Indian Mussulmans want is fair treatment and bare justice. They do not want to be given a share in the administration, for which they are not fully equipped. They do not want to be placed in charge of difficult and delicate offices, if they are not thoroughly qualified for them. The Muslims claim is not for spoon-feeding, but for not being kept out on the ground that they are Mussulmans. The strained relations between the Hindu and the Muslim communities, in no small measure, arises out of a desire of the young men of each community to secure Government posts. Partly owing to the greater economic pressure to which they are subject, and partly in consequence of their past history and traditions, this desire amongst the Mussulmans is a matter of life and death for my community. The paucity of careers for educated Indians has hastened the trouble. It follows that we Indians want to avoid jealousies, intrigues and incessant friction, and an effort should be made to define each community's share in public Services. The number of posts going to the Mussulmans will obviously vary from Province to Province, and it seems that in the absence of a more workable basis, we might fix it at the figure assigned to each community for the purposes of representation. It is obvious that the population basis, in this connection, would be highly unsatisfactory and misleading.

9885a. Mr. Yusuf Ali, could you supplement this reply by your own experience?—(Mr. Yusuf Ali.) I think so.

9886. What would be the view of the Conference on this point?—I think the Conference strongly supports the principle that in the Services the Muslims should be represented roughly in the same proportions as they would be represented in the Legislative bodies.

Lord Irwin.

9887. You would say, I suppose, that the Muslims should only get posts if they were qualified and efficient?—Absolutely, otherwise it would destroy the Services (Dr. Shujauddin.) All we want is that a Muslim should not be kept out of office, simply because he is a Muslim.

Lord Eustace Percy.

9888. Are these proportions between the communities for posts which are filled by examination by the Public Service Officers to be forced upon the Muslims, apart from the results of the examination?—(Mr. Yusuf Ali.) Of course, that raises a very difficult question. You see, already the Government of India have accepted the principle that because of certain conditions in the past, the Muslims have been so kept back that even after the testing of a competitive examination, a certain amount of weightage should be given to the minority communities, including the Muslims and the Sikhs. I think, temporarily, we should have to retain part of that weightage, but, ultimately, I quite agree that when all the communities begin working together, that crutch, as I may call it, may be unnecessary, but in matters where the selection is made at the discretion of officers, we find a tendency that where an office has a large number of Hindus, the Muslims are not taken, and that can only be remedied by fixing a definite proportion to work up to.

Earl Peel.

9889. Would that system of proportion apply in the higher ranks in the Services—the higher steps in the Services as well as to the intake from outside?—I think the higher ranks would naturally follow, if you get the inflow from the bottom.

9890. You would, therefore, not lay down any set of proportions for the higher ranks?—(Sir Mohammed Yakub.) There must be proportions of all grades and Services from the bottom to the top. Our experience shows that even in the matter of promotions and selections for higher grades, Mussulmans have not been properly treated.

Mr M R Jayaker.

9891. Even in the case of offices like that of a High Court Judge or High Court Chief Justice, would you make a

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similar formula applicable?—If a Mussulman is available, who is efficient, I think the same formula would apply to any post.

9892. Subject to efficiency?—Subject to efficiency. The Mussulmans of Madras have been clamouring that there has not been a single Muslim Judge of the High Court in Madras since our friend, Sir Abdur Rahim, relinquished his office about twenty years ago. Can you imagine that in a Province like Madras no Mussulman would be available who is capable of being made a Judge of the High Court.

Sir A. P. Patro.

9893. Unfortunately, it has been so in Madras?—You could import Mussulmans from other Provinces, as they have imported them from the Punjab into the United Provinces.

Dr. Shafa'at Ahmad Khan.

9894. I think your point is this, that the reservation of seats for minorities has not impaired the efficiency of the Service at all?—(Mr. Yusuf Ali.) Exactly.

9895. And that in making this demand you are not departing from the usage and the practice that prevails in almost every Provincial Government and also in the Government of India?—Quite so.

9896. And you are not violating the principles of the recommendations of the Services Sub-Committee at the Round Table Conference, which actually formulated the rule that there should be a fair and adequate proportion of minorities in the Public Services?—That is all we are contending for.

9897. You do not want anything more?—No; that is the principle for which we are contending.

Lord Rankeillour.

9898. May I ask, would you make this fundamental in the Constitution Act?—I do not know whether it can be put in the Constitution Act, but we want it definitely to be mentioned, either in the Instrument of Instructions, or wherever it is found practicable.

9899. This is one of the things you would not allow to be altered in India?—I think there is the view that if it is not actually put in the Constitution Act, it might be difficult to work it. That has to be considered by the Committee and by those who hammer out the Constitu-

tion, but I think my friend, Sir Mohammed Yakub, distinctly represents that view. (Sir Mohammed Yakub.) My own opinion in this connection is, I would submit that the guarantees as regards the Services must be by Statute. Sir Samuel Hoare's evidence before the Joint Select Committee makes it quite clear: "that nothing can be inserted in the Instructions that is not within the framework of the Act", and, as Lord Reading observed, "although Letters of Instruction might be referred to by a Court of Law in trying to construe what was intended, it did not affect the position. No rights of the subject were founded upon it that could be dealt with by a Court of Law. The rights to be construed by the Court were the rights which were prescribed within the Statute itself and could not travel outside." Therefore, a mere mention in the Letters of Instruction will not do. It is, therefore, very necessary that the safeguards as regards the proportion of the Services for the Mussulmans must be by Statute. I do not want to say that the whole detail should come in the Act, but there must be such mention in the Statute as would make it possible to elaborate it in the Instructions.

Sir Henry Gidney.

9900. My Lord Chairman, may I interpose for a second? Sir Mohammed Yakub, is it, or it is not, a fact that the prevailing practice in all Services, especially those that are under the control of the Public Services Commission to-day, is regulated in the following manner: Two-thirds of the appointments are given in order of merit by competition, and one-third by nomination to adjust communal inequalities?—That is so, and this formula has done very great harm to the Mussulmans. A big majority of the Mussulmans have been placed in the same category as a small minority, say, of Sikhs, or of the Anglo-Indians or Indian Christians. If there are three vacancies, for instance, for the minor community, one goes to a Sikh, one goes to a Mussulman and one goes to an Anglo-Indian, which means that the Mussulmans, who form a very big minority in the country, are placed in the category of a very small minority; and, therefore, we want that for the Mussulmans there must be a special share chalked out.

9901. In practice, does it mean this to-day, that the 66-and-two-thirds ap-

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pointments invariably go—I am talking with all kindness—to Hindus, and the one-third remaining by nomination is divided amongst all the minorities of India?—Yes, that is so.

Sir *Phiroze Sethna*.] Except Parsees.

Sir *Henry Gidney*.] Parsees too.

Lord *Eustace Percy*.] They always get it in the first two-thirds?

Sir *Phiroze Sethna*.] If they can.

Sir *Henry Gidney*.

9902. Then you really think that that one-third is not enough for all the minorities, in whom the Mussulmans are included?—No, that would not be just, especially to the Mussulmans who are a very big minority. It would not be right to place the Mussulmans in the same category as the small minorities, some of whom are confined only to one Province, such as the Sikhs; who are confined only to the Province of the Punjab.

9903. Your Memorandum suggests that this proportion should be the same as in the political representation in the various Legislatures?—Quite so.

9904. Going a little further, am I right in saying that, for instance, we will take the Central Legislature, under which all the Federal subjects are controlled and All-India Services—that would mean that the Mussulmans, who have 33-and-a-third per cent. of the representation, would get 33-and-a-third of the appointments?—That is what we submit.

9905. Then that leaves two other communities, broadly speaking, to be provided for; one would be the Hindus, in which are included all the Sikhs, and the other would be the Anglo-Indians and Europeans. Would you then agree to something like this: You have your political representation in the Central Legislature, as I have just said, and, with 33-and-a-third per cent. representation you would award 33-and-a-third per cent. of the appointments?—That is so.

9906. Then if you would clump the Anglo-Indians and Europeans together, they would have about 10 per cent. of that representation. Is that so, it comes to that?—Yes.

9907. And that would leave 66-and-two-thirds per cent. for the Hindus?—That is so.

9908. Do you think that would be fair, and would you accept that, as a Hindu community?—Certainly, in All-India Ser-

9909. Do I follow that you want this mainly in the subordinate appointments in which you and the other minorities are generally concerned, or do you want it in all the appointments?—In all the appointments, I want it.

Mr. *M. R. Jayaker*.] May I ask, what chaos and confusion and destruction of efficiency that would mean if every minority were to be guaranteed a certain percentage of Public Services on a *priori* grounds?

Sir *Manubhai N. Mehta*.] May I ask if the Witness is also prepared to advocate communal examinations—separate examinations for different communities?

Sir *Hari Singh Gour*.] And different standards?

Mr. *Butler*.] May I recall the Services' Sub-Committee of the First Round Table Conference, which made a suggestion somewhat differing from this? If it would help the Committee, I would read the relevant portion?

*Chairman*.] If you please.

Mr. *Butler*.

9910. "Recruitment to the Public Services shall be made through such Commissions in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Services Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General both of whom shall be empowered to issue any necessary instructions to secure the desired result," and so forth?—(Mr. *Yusuf Ali*) My Lord Chairman, that seems a fairly satisfactory way of putting it, except that it does not say what a fair and adequate distribution would be. All we want to do is to indicate the proportion.

Lord *Eustace Percy*.] May I venture to point out to the Committee on the examination that has taken place, that 33-and-a-third, plus 10, plus 66-and-two-thirds comes to more than 100?

Sir *Henry Gidney*.] I meant 56 and-two-thirds.

Lord *Eustace Percy*.] In fact, the proposal is: that very nearly 50 per cent. of the appointments by the Public

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Mr. ABDULLAH YUSUF ALI, C.B.E.,

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Service Commission shall be made otherwise than by examination.

Dr. Shafa' at Ahmad Khan.

9911. Is it your proposal that appointments to public posts should be made otherwise than by examination?—No.

9912. You agree that there should be a minimum qualification for every candidate?—That is so.

Lord Eustace Percy.

9913. Otherwise, by competitive examination?—Yes.

Dr. Shafa' at Ahmad Khan.

9914. Even now, at the present time, in the competitive examination for the United Provinces Executive Civil Services the seats for Muslims and Hindus are reserved?—(Sir Mohammed Yakub) That is so, my Lord, and I think that such a scheme can be worked in all the Provinces. We have got some such formula in Madras also, and it has been working very satisfactorily for many years. Some such formula can be framed in all the different Provinces, according to the conditions prevailing, and there can be no chaos and no difficulty about it.

Chairman.] It appears to me that this matter has been sufficiently elucidated now.

Mr. A. H. Ghuznavi.

9915. Mr. Suhrawardy, how long were you in the Bengal Legislative Council?—(Mr. Suhrawardy) Since the beginning of the Reforms

9916 The Reforms began in 1921?—Yes.

9917. Was there any communal Party in the Bengal Legislative Council in the first period?—There never has been a communal Party in the Bengal Legislative Council.

9918. In the second period Mr. C. R. Das came to the Council, and he was the Leader of the Opposition?—He was.

9919. Did he not have Muslim Members in his Party?—He had 40 Members in his Party, of whom 22 were Mussulmans, and 18 were Hindus.

9920. During that period also there was no communal Party?—There was no communal Party.

9921. Coming to the third period, has there been any communal Party?—No, there has not been any communal Party, as I have stated.

9922. And there is no communal Party in the Bengal Legislative Council now?—No, not even now.

9923. And it has never been so?—Never.

9924. Even supposing that if the Muslims in Bengal had an absolute majority, which, of course, the White Paper does not provide, do you think that a purely Muslim Ministry could be formed?—I have given my opinion emphatically with regard to that, that that is a possibility that I cannot visualise.

9925. You are certain that that is absolutely impossible?—I am certain of it.

9926. What is the Muslim view with regard to the retention of the special constituencies?—The Mussulmans in Bengal have always been against the retention of special constituencies, and their view has been that, except with regard to the European constituencies—I leave them out of account because they have large interests and their population is very small—and as between Hindus and Mussulmans that it is possible for the separate interests to be expressed by persons who will come in through the general electorate.

9927. One more question Mr. Suhrawardy. I will refer you to Section XI of the Memorandum where you mention about the Services. I want you to give me an answer particularly affecting Bengal. There you have stated "to ensure the due representation of Muslims, we urge that the proportion of Muslims in the Services should reflect their proportion of representation in the several Legislative bodies." I want you to give me an answer. What is the position of the Muslim representation in Bengal in the Services and have you any list of the Bengal Services?—I have a list here, which shows the employment of Muslims in the principal Services in the Bengal Presidency, as compared with Members of other communities, and the Services given to Muslims are extremely inadequate.

Mr. A. H. Ghuznavi ] Will you kindly hand it in?

Sir H. Gidney

9928. What is the total number of the different important posts?—There are 459 Europeans; 1,762 Hindus; 405 Muslims, of whom 224 are in the Bengal Civil

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Service, and Bengal Junior Civil Service, and others have 64, out of a total of 2,690.

*Chairman.*

9929. To what period does that refer?—This was compiled some time in 1932.

*Sir H. Gidney.*

9930. What do you mean by "others"?—Non-Hindus and non-Europeans, Anglo-Indians, Indian Christians, and so on. Those are in the Provincial Service.

*Chairman.*] If any Member of the Committee or Delegates desire to cross-examine you upon that, it will be necessary, perhaps, that they should have more information as to what it contains.

*Sir N. N. Sircar.*] I will ask for an opportunity to test these figures. I have had no notice of this.

*Mr. A. H. Ghuznavi.*] I am prepared to put in the Bengal Civil List; the figures were taken from it.

*Chairman.*

9931. Do these figures purport to be extracts from official returns?—Yes, my Lord, the Bengal statistics.

9932. And nothing else?—And nothing else. May I point out one thing, my Lord Chairman, with regard to a suggestion that was thrown out as to the competitive examinations, that there are hundreds of thousands of appointments in which there are no competitive examinations held, and the question of competition does not enter, and yet Mussulmans are excluded from those appointments, although there are competent persons available.

*Chairman.*

9933. Do you desire that that Table should appear as part of the printed record?—If your Lordship pleases.

*Chairman.*] Sir Nripendra Sircar, you might like to take that and look at it now, if you want to cross-examine upon it. The Table is handed to Sir N. Sircar.

*Mr. A. H. Ghuznavi.*] If my friend wants to compare it with the Bengal Civil List, I will pass it to him.

*Sir N. N. Sircar.*] I have no objection to these figures; all I say is, I would like to check them

*The following document is handed in.*

Statement showing the employment of Moslems in the principal services in the Bengal Presidency as compared with members of other communities.

Name of Service.	Europeans.	Hindus.	Moslems.	Others.	Total.
(1) High Court Judges, permanent and additional ... ..	9	7	1	...	17
(2) Important appointments in the High Court ... ..	9	19	2	2	32
(3) District Officers, Additional District Magistrates and Joint Magistrates	25	35	2	...	62
(4) District and Sessions Judges ... ..	21	41	6	...	68
(5) Calcutta Small Cause Court Judges ...	1	5	2	...	8
(6) Bengal Civil Service (Judicial) including temporary Sub-Judges and Munsifs ... ..	...	340	50	...	390
(7) Indian Civil Service ... ..	114	45	4	...	163
(8) Bengal Civil Service and Bengal Junior Civil Service (Executive) ... ..	...	533	224	20	777
(9) Imperial Police Service ... ..	77	13	10	...	100
(10) Bengal Police Service and Inspectors of Police ... ..	...	123	20	18	161
(11) Calcutta Police, Assistant Commissioners and Inspectors ... ..	33	27	9	...	69
(12) Indian Service of Engineers ... ..	21	20	Nil	1	42
(13) Bengal Engineering Service (Senior and Junior) ... ..	1	144	8	1	154



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Name of Service.	Europeans	Hindus.	Moslems.	Others.	Total
(14) Electrical Engineers and Subordinates, Consulting Architects, etc. ...	11	19	Nil	...	30
(15) Indian Educational Service ...	15	10	1	2	28
(16) Bengal Educational Service ...	...	170	47	3	220
(17) Indian Medical Service (including tem- porary Medical Officers and Military Assistant Surgeons) ...	41	15	Nil	..	56
(18) Directors and Assistant Directors of Public Health ...	4	46	5	...	55
(19) District Health Officers ...	...	26	Nil	...	26
(20) Indian Agricultural Service ...	7	...	Nil	...	7
(21) Bengal Agricultural Service ...	2	21	2	...	25
(22) Indian Forest Service ...	16	6	1	...	23
(23) Provincial Forest Service ...	...	10	1	...	11
(24) Indian Veterinary Service ...	2	...	Nil	...	2
(25) Bengal Veterinary Service ...	...	7	3	..	10
(26) Finance Service — Accountant-General, Deputy Accountant-Generals, Assis- tant Accountant-Generals, etc. ...	...	16	Nil	...	16
(27) Gardener's Service ...	10	4	1	...	15
(28) Inspectors and Assistant Inspectors of Factories ...	8	4	Nil	...	12
(29) Income Tax Commissioners and Assis- tant Commissioners ...	2	3	1	...	6
(30) Meteorologist and Assistant Meteorolo- gists ...	...	5	Nil	...	5
(31) Superintendents of Post Offices ...	...	25	1	11	37
(32) Customs Department, gazetted appoint- ments ...	16	10	Nil	2	28
(33) Appraisers ...	14	13	4	4	35
Total ...	459	1,762	405	64	2,690

Sir *Abdur Rahim*.

9934. I want to know this, Mr. Yusuf Ali. So far as the proposal for Federation is concerned, what is the Muhammadan opinion in connection with the subjects which are purely British-Indian? Could they regard with favour the administration of these subjects being in the hands of the Federation as a whole, including State representatives?—(Mr. Yusuf Ali.) I said in the morning that it is a very real difficulty, and it was suggested that a convention might grow up by which the Indian States would not participate in purely British-Indian subjects. Is there anything more that I can add?

9935. No; I simply wanted to know what the Muhammadan opinion was, so far as you know, on this point?—I think that is the Muslim opinion.

9936 That they would not like the States' representatives who are not concerned with the affairs of British-India?—"Would not like" is rather a strong term, because I think the Federation is coming, and it would be very difficult to exclude any consideration of British-Indian questions by the States' representatives, but, certainly, they would welcome any arrangements by which such intervention would be, either prevented, or minimised.

9937. Questions have been asked about the possibility of joint electorates. So far as Muhammadan opinion in India is concerned, do you think that joint electorates is a practical question at the present moment?—Under present conditions, it is not at all practical.

9938. Of course, there are some individual Muhammadans who do favour joint

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electorates? Is that not so?—Oh, yes, but only a small number

9939. But the general Muslim opinion, as I understand you, is opposed to joint electorates?—That is so. (Mr. Suhrawardy.) Overwhelmingly opposed.

9940. Now with regard to communal decision, do you know that after it was announced by His Majesty's Government, very earnest attempts were made in India to substitute that communal decision by an agreed settlement among the Hindus and Muslims?—(Mr. Yusuf Ali.) Yes, attempts were made, but they came to nothing. (Sir Mohammed Yakub.) The general Muslim point of view was very much against those attempts.

9941. Supposing that the communal decision was modified in any way, the result would be then, in the absence of agreement, that one community will be dissatisfied instead of another, or both communities will be dissatisfied?—(Mr. Yusuf Ali.) That is so. Of course, when you say "in any way," speaking for the Mussulmans, we are not concerned with anything that does not touch our own interests.

9942. I meant, so far as the Hindu Muslim representation was concerned that is the position?—That is so. (Mr. Suhrawardy.) May I add to that this, that I am not certain whether the Hindu community is genuinely dissatisfied with the Premier's decision. They, certainly on account of the Poona Pact position, have been trying to make some modifications, but I have here a certain document that was circulated, I think, by Sir Nripendra Sircar, at page 32, when he quotes a telegram sent by Mr. Dutt, who supports his point of view. I find there: "Premier's Award on this question is uttermost that Bengal can accept." That is to say, they did not want the Poona Pact to be modified, for they were against the Poona Pact. It would seem that, so far as the Bengalee Hindus were concerned, they did accept the Premier's Award

Sir N. N. Sircar.

9943. The language is absolutely clear. It means, so far as the Depressed Classes are concerned, they are willing to accept the decision. It is nothing to do with the Muhammadans. You know very well that the next day there were articles in the papers and magazines objecting to

the proportion of seats given to the Hindus?—There were also objections in the Muslim papers. (Sir N. N. Sircar.) Certainly, but you are suggesting a grievance.

Sir Abdur Rahim.

9944. I want to know the Muslim feeling in Bengal with reference to this communal decision. Is it generally acceptable to the Muslim opinion in Bengal, in spite of the fact that their demand has not been fully satisfied?—I am afraid there has been considerable dissatisfaction, but we have stated that we are prepared to work the constitution on the basis of the decision, because we do not want this unfortunate controversy to be reopened again, which is bound to lead to a tremendous amount of bitterness once more.

9945. As regards the Lucknow Pact, is it not the fact that the Muhammadan representative at Lucknow strongly protested at the time and that the Muhammadans never accepted it in Bengal?—That is so. The Bengal Mussulmans objected.

9946. I put it to you, you know the matter was actually debated in the Legislative Council, that one reason why Mr. C. R. Das had so many as 22 Muhammadan members in his party (the Swaraj Party) was that the Muhammadans were extremely dissatisfied with the Lucknow Pact?—They were. Yes, that was one of the reasons, and there was a further reason that Mr. C. R. Das proposed another Pact in the place of the Lucknow Pact. Generally speaking, the terms were of this nature, that as between the Hindu and Muslim minorities and majorities, the representation of minorities should always be effective and adequate, totally irrespective of the number within a constituency, and he suggested as a working formula that in all the constituencies the majority community should have 60 per cent and the minority community should have 40 per cent. The constituencies in Bengal (the various local bodies, and so on) are more or less Constitutional in this manner, that in eastern Bengal there is an overwhelming Muslim population and a small Hindu population, and vice versa in western Bengal, and his suggestion therefore was that in those districts and in those local bodies where the Mussulmans were in an overwhelming majority, they should have 60 per cent. and

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the Hindus 40 per cent., totally irrespective of the actual numbers, and the same in Western Bengal as between Hindus and Muslims that in the legislature the Muslims should have 60 per cent. and the Hindus 40 per cent. Thus I may point out was accepted by the Mussulmans and at a very famous meeting of the Congress at Seraj Gunj, it was also accepted by the Hindus.

9947. Mr. C. R. Das was able to draw so many Muhammadans to his party by another proposal, that was the proposal he made regarding recruitment to the Services in Bengal, and the proposal was regarding the representation, he was willing to concede to the Muhammadans. Is not that so?—Yes.

9948. That was also a part of the Pact?—That was a part of his pact, and, in order to remedy the tremendous inequality, and what we may call the concentrated injustice of the past, he suggested very favourable terms to the Mussulmans for future recruitment.

9949. Supposing the Congress decide to contest the next election, after the Constitution Act comes into operation, what do you think will be their position in the Council so far as the Hindu element of the Council is concerned. I mean will they be able to form the majority?—The majority of the Hindus?

9950. Yes, that is what I mean?—So far as that is concerned, the Congress, whatever may be its influence and strength at the present moment, is the only political body among the Hindus that is functioning in Bengal (I may say amongst the caste Hindus, if I may put it so) and it is extremely likely that they will be able to return their own members.

Mr. A. H. Ghuznavi.

9951. The Hindu Mahasabha has no influence in Bengal?—That is perfectly true; the Hindu Mahasabha has no influence in Bengal.

Sir Abdur Rahim.

9952. Since the passing of the new Act it has been under the control of the Congress party?—That is so.

9953. In the last election what was the result?—The last election was run on the joint electorate system with reservation of seats.

9954. But what is the position of the Congress party now?—The Congress party has always swept the polls.

9955. Even in the last election they secured a majority?—Even in the last election.

9956. As regards non-Congress Hindus, have they ever been able to stand against the Congress in any of these elections either to the Council or to the Corporation?—Very very rarely.

9957. I do not mean individuals; of course, individuals have got in?—Yes, but never as a party. Some individuals have got in.

9958. Supposing the proportion of Muhammadans as given by the Decision of the Government is reduced, and supposing the Congress consent, judging by past experience, is there not a chance or danger that a section of Muhammadan representatives may go over to the Congress?—I am afraid whether the Congress comes in or not, if the Communal Decision is disturbed (I do not wish to say it in any spirit of Militancy), but if the Prime Minister's decision is disturbed to our detriment, I am afraid that the Mussulmans will lose very much of their faith in British justice.

Sir N. N. Sircar.

9959. If it is disturbed by giving you more?—Yes, then we shall have a higher regard for British justice than we possess at present. (Mr. Abdullah Yusuf Ali.) My Lord Chairman, as you have admitted a statement of the services with reference to Bengal, may I put in a printed Memorandum over the signatures of certain Muslim members of the Legislative Assembly which gives you the figures for the services as a whole, and the Muslim representation thereon.

Chairman.

9960. I think it would be very much better, if those figures are desired, that you should put them in without any other matter. Subject to the views of the Committee, I am not prepared to admit a document of that kind at this stage?—You have admitted one statement.

9961. I admitted a document which I was told contained extracts from official returns and nothing else?—This purports to be from official documents.

Sir Austen Chamberlain.] If I may say so, there is a further difference. The first was a document given in evidence by the witness on his own responsibility.

Lord Irwin.] In answer to a question. Sir Austen Chamberlain.] In answer to a question that was addressed to him.

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This is proposed to be put in evidence, as the evidence of somebody who is not before us. I think we decided at an earlier stage that we were not prepared to receive memoranda of that kind.

Sir *Abdur Rahim*.] The India Office here will be able to supply us with these figures because questions are often put in the Central Legislature regarding the figures of employment of different communities, and it is quite possible that the India Office will be able to supply us with the figures that are necessary.

*Chairman*

9962 Sir *Abdur Rahim*, you will remember the Secretary of State is returning to the chair, and you can address your questions to him later in the year?—Amongst other signatories to this Memorandum is Sir *Mohammed Yakub*, who has given evidence about the services.

Sir *Hari Singh Gour*.] He has not been asked and has not replied to any questions.

*Chairman*.] I hope very much the witness will accept the ruling without further comment.

Sir *Hari Singh Gour*.

9963. Sir *Abdur Rahim* put a question to you just now, that the Muslim opinion is against joint electorates and you said it was so. Is it not a fact that the Shiah Conference passed a resolution in favour of joint electorates?—The Shiahs are a very small proportion of Muslims, and therefore it does not affect the majority position.

9964. It is a fact that the Shiah Conference passed a resolution in favour of joint electorates?—I do not know about it.

9965. You did not hear about it?—I read something about it, but I am not precise as to the wording of that resolution.

Mr. A. H. Ghuznavi.] Is not it a fact that at the Shiah Conference it was not passed unanimously?

Sir *Hari Singh Gour*.

9966. What is the proportion of Shiahs to the rest of the Muslim community—is it not one-fourth?—I doubt it. (Sir *Mohammed Yakub*.) The number of Shiahs present in the Conference was very small, and the Shiah Conference does not represent the general view of the Shiahs in India. (Dr. *Khalifa*

*Shujauddin*.) May I be permitted to add for the information of Sir *Hari Singh Gour* that even this Shiah Conference has a rival body among the Shiahs which passed a resolution in favour of separate electorates?

Sir *Hari Singh Gour*.

9967. There is a rival body to yourselves, the National Muslim Conference?—(Mr. *Abdullah Yusuf Ali*.) But there are very few Members of the Muslim community in it. (Dr. *Khalifa Shujauddin*.) I do not think in the whole country you would get more than 50

9968. Is it not a fact that the Bengal Legislative Council passed a resolution in favour of joint electorates and several Muslims Members of the Bengal Legislative Council voted in favour of it?—(Mr. *Abdullah Yusuf Ali*.) Our arrangement is that I shall act as a general spokesman, but I can ask a Member for Bengal to speak specifically to Bengal questions. (Mr. *Suhrawardy*.) In Bengal, as is very well known, under the Lucknow Pact, the Muslims are in a very small minority. There are 39, whereas the Hindus are 56 in number, with other seats as well. In this debate the Government and I think the Europeans remained neutral, leaving the Hindus and Muslims to contest amongst themselves the question of joint electorates, and it was obvious that as the Hindus were in favour of joint electorates, the resolution was passed.

9969. May I ask the witness how many Muslims voted in favour of that resolution?—I cannot remember the figures, but I should think not more than six or seven.

Sir N. N. Sircar.

9970. Seven?—Seven. There are three Congress people who have come in and four persons who did not dare to stand as Congress candidates but who camouflaged themselves and stood as candidates of the Bengal Presidency Muslim League. As a matter of fact, they were run by the Congress and are Congress Members; consequently they owe their allegiance to the Hindu section.

Sir *Hari Singh Gour*.

9971. Various Conferences of the women of India have passed resolutions in favour of joint electorates. Is it not so?—(Sir *Mohammed Yakub*.) Very few Muslim women have taken part in these

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Conferences, and this view does not represent the view of the majority of Muslim women in India.

9972. Has there been any Conference of Muslim women who have condemned joint electorates and have passed a resolution in favour of separate electorates?—(Dr. Shujauddin) There is no political organisation of Muslim women.

9973. Such organisations as exist have passed a resolution in favour of the joint electorates?—No

Sir Hari Singh Gour.] Such organisations which exist, in which the Muslim women are represented, have passed resolutions in favour of joint electorates?

Begum Shah Nawaz.

9974 My Lord Chairman, may I ask a supplementary question to this. That in almost all these organisations where such resolutions have been carried, the Muslim women have made it quite clear that in the absence of a settlement between the two communities, the majority of Muslim women are not prepared to agree to a system of joint electorates?—That is so; that is conclusive

Sir Hari Singh Gour.

9975. We have had the women's evidence before the Sub-Committee, and what they have said is on record. We shall hear them again very shortly. Now, is it not a fact, that the Hindu communities are in favour of joint electorates?—(Mr. Yusuf Ali.) I believe so. (Mr. Suhrawardy) Do you speak for the Depressed Classes as well? I do not think that the Depressed Classes are in favour of joint electorates.

9976. They have accepted joint electorates and they have always stood for joint electorates?—(Mr. Yusuf Ali.) What is your further question?

9977. My further question is that you have, therefore, this fact, that the Hindu community are in favour of the joint electorates, and are against separate electorates, and I take it from you that the bulk of the Muslim communities are opposed to joint electorates and in favour of separate electorates. Now whatever decision is given, whether in favour of joint electorates or in favour of separate electorates, one of the two communities must be displeased. Is it not so?—We can only speak for the Mussulmans; we cannot speak about the Hindus.

9978. But the Hindus are satisfied with the Premier's Award, because it contravenes the principle of joint electorates?—That is a matter of argument. (Mr. Suhrawardy.) More than that, may we add that there are many statements by Hindu leaders who have accepted separate electorates from time to time. (Dr. Shujauddin) And may I add further, my Lord Chairman, that only recently an attempt was made in the Punjab to evolve a formula which might be acceptable to the Mussulmans also, but a formula which would be based upon the principle of joint electorates; and after that formula was published in the Press, inviting public opinion, almost the entire body of the Sikh leaders and a large proportion of Hindu leaders rejected that formula and rejected the principle of joint electorates. I am talking of the Punjab.

9979. We are then confronted with this proposition. That the Communal Award has dissatisfied the Hindus and has partially satisfied the Mussulmans, the Mussulmans accept it. Now when you have got an Award which is not acceptable to the majority community, and is accepted, hesitatingly, we will say, by the minority community?—(Mr. Yusuf Ali) Not hesitatingly.

9980. Has been accepted unhesitatingly by your community, how can you ensure the harmonious and peaceful working of the future Constitution when this bitterness will continue on the part of the majority community, who, you admit, are superior to you in wealth and influence?—We do not admit that they are superior to us in any other thing.

9981. I never said any other thing. I spoke of wealth and influence. How do you expect that the future Constitution will work?—We think that the very bitterness is the cause why communal electorates are necessary, and, if that is so, it is unreasonable that it should be opposed, and we think that when it gets into working order, the majority community, though they may not like it, will accept it.

9982. And you admit, Mr. Yusuf Ali, that the joint electorates or separate electorates are inconsistent with the principles of democracy?—(Sir Mohammed Yakub.) It is not, my Lord Chairman; we do not accept it.

9983. Because it creates?—(Mr. Yusuf Ali) There are democracies and

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democracies. There is no such thing as an abstract democracy. (Sir *Mohammed Yakub*.) May I be permitted to say that the principles of democracy as understood by Europe can never apply to India. The conditions prevailing in India are completely different from the conditions prevailing in any other part of the world, and, therefore, any Constitution which is drawn for India must be for India, and India alone, on principles devised for India, and India alone. (Mr. *Suhrawardy*.) We do believe that separate electorates is the best method of representation. Far from being against democracy, it is the best method of representation, and, therefore, in consonance with democracy. (Dr. *Shujauddin*.) May I make this remark: All the leaders of Indian Nationalism so far have been the products of separate electorates. I instance Mr. C. R. Das, and all those gentlemen who were returned to the Councils on the ticket by separate electorates, and with regard to whom it cannot be said that they were not the best advocates of Indian Nationalism, such as we understand it to be.

9984. I do not understand the relevancy of that remark?—It is not, therefore, correct to say that separate electorates are a negation of democracy.

9985. If there was a separate electorate, the best man of the Hindu community would be returned by the Hindus?—Why, therefore, should it not be assumed that the best man of the Mussulman community would also be returned by the Mussulmans?

9986. What follows is that the bigots of both communities are likely to be returned and keep up their bigotry in the Legislative Council?—That has not been our experience, so far.

9987. Now you say that there should be no weightage given to the Indian States in the future Constitution?—(Mr. *Yusuf Ali*.) Yes.

9988. On what ground would you give no weightage to the Indian States?—I think we have given the grounds because, as I stated in the morning, the entry of the States into such a Federation itself creates so many difficulties that the giving of weightage will add to the complications.

9989. Your attention was not drawn to this aspect of the question I find that in Appendix II, Clause 7: "No weightage or other discriminatory pri-

vileges should be given to the Indian States." Would you please explain the reasons for these views?—I will explain them again, if you wish. The Indian States come in for certain reasons, but they add enormously to an, already, very complicated problem. The majority of the subjects of the Indian States are Hindus, and their coming in will already weight the whole question against us. If they are given further weightage, the weightage will be double, as far as we are concerned.

9990. Therefore, you do not wish to give the Indian States weightage, because you think it would prejudice Muslim representation in the Central Legislature?—Partly, yes.

9991. Now you say there should be a convention under which the Indian States' representatives should not vote upon questions dealing with purely British-Indian administration?—We did not say so. The suggestion was put forward and we are prepared to accept that, as far as it will go. We doubt whether it will work.

9992. I doubt it, too; therefore, we are at one on that subject. Now as regards the election direct or indirect, to the Federal Assembly, questions have been put to you whether the representatives to the Federal Assembly, and to the present Legislative Assembly, by direct elections are in any contact with the electorates, and whether, in view of the large dimensions of the constituencies in the future, there is likely to be any contact between the Members and their voters. I put it to you: Is it not better that such contact as is possible between the Member and his voters is preferable to no contact at all?—Of course.

9993. Which would be the case if the Members were returned through the medium of the Provincial Councils?—Just so, because that will produce the contact with the Provincial Councils only.

9994. Not with the voters?—Not with the voters.

Mr. M. R. Jayaker.

9995. Mr. Yusuf Ali, do you share the apprehensions of a certain section of people in this country that, because of communal difficulties in India, it would be unsafe to give to India a large share of responsible government?—(Mr. *Yusuf Ali*.) No.

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9996. You think that that responsibility is a cure against communalism?—I think it will tend to diminish communalism.

9997. And you entertain a very great hope that, in spite of communal electorates, in course of time responsible government will work in a spirit of nationalism?—Certainly.

9998. Will you kindly turn to paragraph XI of your memorandum? You there ask that future recruitment of the All-India Services should be placed in the hands of the Provinces and, I suppose, you want control also for the future?—Yes, All-India Services, which serve in the Provinces.

9999. I am speaking of those which serve in the Provinces?—Yes.

10,000. You desire to have control and recruitment of those services?—In the Provinces.

10,001. Do you think that provincial autonomy will work smoothly if this control is not placed in the hands of Provincial Governments?—No.

10,002. It would be a travesty?—It would.

Sir N. N. Sircar.

10,003. My Lord Chairman, I do not propose to put any questions about joint electorates and separate electorates to the witnesses. Many questions have been put already. I would like to ask Mr. Suhrawardy about this statement in paragraph VII (a)—“the well-recognised principle that no majority should be reduced to the position of a minority, or even to that of equality, has been departed from in the case of Bengal.” I will put some facts to you. I will read to you an answer given by the Secretary of State, Sir Samuel Hoare, to Question 7,467: “Is it the fact that if the 199 ordinary seats, those of the seats which are to be divided between the general and the Muslims” (which practically means the Hindus and the Muslims) “are divided according to the ratio of the adult population which I have quoted to you, that then the result would be 103 Muslim seats and 96 general seats?—(A.) If they were divided in accordance with the adult population figure did you say? (Q.) Yes?—(A.) 103 and 96; I think that is so. (Q.) If they are divided according to the total population ratio, which your officers have agreed is 54.9 to 48, then there should be 109 Muslim seats and 90 general seats?—(A.)

Yes. (Q.) What has been awarded is 119 plus such seats as they can get out of the 20 special seats.” Now, what I am asking you is this: to let the Committee have a clear idea of these figures; they are not very complicated. The Bengal Legislature, according to the White Paper proposals, consists of 250 members; is that not so?—(Mr. Suhrawardy.) Yes.

10,004. Out of that number, 31 cannot be touched either by Hindus or by Muhammadans; 25 Europeans; 4 Anglo-Indians and 2 Indian Christians?—Yes.

10,005. That leaves 219 seats altogether which can possibly be divided between the Hindus and Muhammadans?—Yes.

10,006. Of the 219 seats, 20 are what are called Special Seats, to which the Muhammadan Delegation has objection, and 199 are ordinary seats?—Yes.

10,007. So far, you will agree that between the Hindus and the Muhammadans what can possibly be divided is, 199 ordinary seats and 20 general seats?—Yes.

10,008. And you have seen the result of the calculation given by Sir Samuel Hoare?—It is a fallacy.

10,009. What is the fallacy?—The fallacy is that you should have calculated on 99 and not on 219.

10,010. I am now assuming that you want your 52 per cent. or 54 per cent., or whatever it is, of the 20 special seats?—No.

10,011. 219 is made up of 199 plus 20?—Yes.

10,012. Now, suppose you were dividing the 219 seats—even the special seats are going to be communally divided, what will be the figures according to both ratios? I have done it myself several times?—Perhaps you will give me the figures.

10,013. The first is very easy. If you take the total population basis, including the babies, that would be 219?—How many are you giving the Hindus? 54.8 to the Mussulmans and how much to the Hindus?

10,014. 54.8 to the Mussulmans?—Is it 44.8 or 43.2, or even less, I think.

10,015. No. You have been misled by Mr. Ghuznavi. You have got to add there the others?—No; the others are Indian Christians.

10,016. Take the figures given by Sir Samuel Hoare a few days ago in his examination?—May I know if in



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"others" Europeans and Indian Christians are included?

10,017. No, "others" means other than Hindus—Jains, Bhuddists, Sikhs and so on?—I do not know that Jains have any separate outlook.

10,018. That is beside the point. I am not asking you to say whether they have the same outlook?—(Mr. Abdullah Yusuf Ali.) Will you put forward your suggestion? May I ask for the question?

Sir N. N. Sircar.] We are now dividing 219 seats, and for the sake of argument I am conceding that even the special seats have to be communally divided. If you divide 219 seats, first of all, taking the adult population basis—52 to 48.

Dr. Shafa' at Ahmad Khan.] The adult population basis?

Sir N. N. Sircar.

10,019. Yes?—(Mr. H. S. Suhrawardy.) I think it is rather academic, because I do not know whether in any Province calculations have been made on the adult population basis—in any Province, either the seven Hindu Provinces or the four Muslim Provinces.

10,020. It has not been done?—No.

10,021. Will you now calculate on the total population basis, including the babies?—54.8—44.2?

10,022. May I put the question in this form. I am putting to you, that supposing even the special seats are taken into consideration and divided according to what you suggest is the proper way, namely, the total population basis—do not go into decimals, and things of that kind; take it at 55, 45 and so on—you have 10 seats more than you ought to have?—Before I answer that, I should certainly like to say that I have never suggested that that is the proper way, but you have asked me to divide it in that manner, and if you divide it in that manner, I suggest that there would be 120 Muslim seats possible.

10,023. Very well; it would be, so. I do not expect you to agree to the suggestion that that is the proper basis, but may I just read to you from Command Paper 3712, "Despatches from Provincial Governments in India containing proposals for Constitutional reform"?

(Mr. Abdullah Yusuf Ali.) We should like to know the precise question now so that we can answer it.

10,024. The precise question is that 10 seats more have been given to the Mus-

lims if this method of calculation is right?—That is not so, even on that basis it is not so. Ten seats have not been given. If you have 54.8, 120 seats will be the quota of the Muslims.

10,025. You are dividing 219 seats?—I am dividing 219 seats, and in that case 120 seats will be the Muslim quota.

10,026. I have to take your answer, but that is not so. You are dividing 219 seats?—55 per cent. of 219 is 120.4.

10,027. Are you aware that when this dispute was going on the European members of the Government of Bengal stated that the fair way of dividing is to divide these ordinary seats according to population basis. I will not go into the question of whether it is the adult population or total population. Are you aware of that?—In the Council or in the Cabinet?

10,028. In the despatch from the Government of Bengal, on the Statutory Commission, page 59?—Including the special constituencies?

10,029. Yes?—If they have done so, they have done a grievous injustice to the Muslims.

10,030. Are you aware of that?—No.

10,031. Are you aware that this volume publishes a note by the Muhammadan Members of the Government which begins at page 78. They also suggest that inasmuch as the special seats are likely to be mostly captured by the Hindus the ordinary seats should be divided according to population basis?—Even that I am not aware of.

10,032. I want to ask one more question. You know the communal decision provides—I am giving it in my own language—that there will be no change after 10 years unless the parties affected by it agree to a change?—Yes.

10,033. Is not that so?—Yes.

10,034. Unless you, I mean the Muslim community, are prepared to give up the special electorate and the seats which they have obtained, is there any possibility of getting any majority by the combination of all other interests in the Council?—We have not an absolute majority in the Bengal Council, and, therefore, all the other parties combined together can defeat the Muslim group should the Mussalmans ever act as a body.

10,035. May I have your opinion as to what you suggest is the proper method of finding out whether the parties are

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agreed upon a change or not?—We hope that in 10 years time there will be a sufficient growth of the political party system by which means you will be able to find out the views of the various parties and the various groups, and you could then have all-parties conferences, and try to ascertain what are the views of the community.

10,036. You do not want anything to be put down in the Constitution as to how the change is going to be made?—It is very difficult for me to suggest any such thing. I have not considered it.

10,037. I am suggesting to you that in Bengal, although it is purported to be a temporary measure made for 10 years, by reason of this Clause, this will be perpetuated. You have a majority, 119 plus a certain number in a House of 250?—I am sorry, but you are visualising continuously the perpetuation of communal groups, and I do not visualise that at all. I think that it is quite possible within the next 10 years and if not 10 years within the next 20 years, there will be sufficient national consciousness to make a radical change in the proportions.

10,038. I submit that that is no answer to my question. If the parties agree it is quite all right, but if they do not agree, as the Provincial Legislative Council of Bengal is constituted, it would be impossible for the Hindus to get any change?—Very well; if they do not agree, there will be no change, but there is no reason why they should not agree.

Sir N. N. Sircar.

10,039. You suggested that there are no communal parties in Bengal and the Muhammadans are voting with the Bengal Councillors. Is not that so?—Yes.

10,040. There were three occasions when a deadlock was created by Mr. C. R. Das getting the salary of the Minister turned down?—Yes.

10,041. And they got the support of some of the Muhammadans, or substantial help from the Muhammadans for that vote?—Yes. I may add to that that one of those cases was when both the Ministers happened to be Muslims.

10,042. True, and the motion was moved by a Muhammadan Member?—Yes.

10,043. From that you infer that the Hindus and the Muhammadans are acting together?—Yes.

10,044. And that there are no communal rights, but it was one of those occasions when the Hindus and a section of the Muhammadans were acting together for the purpose of creating a deadlock?—They were voting together on all matters, not merely on the Ministerial matter, not merely on the question of a vote of censure against the Minister, but on all matters they were voting together.

10,045. Will you give me an idea of what you mean by "on all matters they were voting together"?—Whenever they were voting, they were voting as a political party.

10,046. I am suggesting to you—and I will not press you further—that Mr. C. R. Das had got hold of a body of Muhammadan members and they had the mind of always acting together for putting difficulties in the way of the Government and creating a deadlock, and they did not act together for any other purpose?—That is not so. They acted as a political party throughout.

10,047. Will you give the Committee one instance of any measure in which the Congress Party, led by Mr. C. R. Das, and the Muhammadans were acting together, apart from creating difficulties in the way of the Government, creating deadlocks, and so on?—If you look at the proceedings of that period, you will so find.

10,048. Can you give me an instance?—This was the ordinary work of the Council. There are resolutions, there are Bills, and there is the Budget Debate, and in all these they acted together.

10,049. For instance, when Mr. C. R. Das was there, was it cut down to zero? Then they were acting together. I would not press it further, but my point is, you cannot give the Committee one instance where the Hindus and the Muslims were acting together for any good purpose?—Whether you call it good purpose or bad purpose—

Sir Austen Chamberlain ] What conclusion, I wonder, does Sir Nripendra Sircar wish us to draw from that in relation to the new Constitution of India?

Sir N. N. Sircar.] I wish to controvert the statement that the combination has not been run on communal lines.

Sir Austen Chamberlain ] Are we to infer that they will always act on communal lines under the new Constitution, except when both Hindus and Muslims

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mans want to break down the Government? Is that the inference?

Sir N. N. Sircar.] I am suggesting that my friend is rather optimistic; that it is not a correct statement that the Governments are not run on communal lines.

Mr. Foot.] Is it necessary always by examination to check by question a statement with which we disagree?—Is that the purpose of our questions?

Sir N. N. Sircar.

10,050. No. I said I would leave him there, if he cannot give me an instance?—(Mr. Suhrawardy.) I have definitely pointed out that they have voted all along, when that Party existed, on all matters.

Sir N. N. Sircar.] My Lord Chairman, I have no further questions to ask

Sir H. Gidney.

10,051. My Lord Chairman, before I ask any questions, with your permission, may I correct two errors into which I fell this morning? One was with regard to the advertisement in "The Times" concerning the I.M.S. I thought that Mr. Yusuf Ali was referring to the "Times" of India; I did not think he meant the London "Times". The other was when I said 66-and-two-thirds per cent. As Lord Eustace Percy corrected me; I meant 56-and-two-thirds per cent. Sir Mohammed Yakub, regarding the recruitment into the Services, would I be right if I said that at present one-third of the nominated seats for all open competitive examinations are selected only from those who have passed the examinations?—(Sir Mohammed Yakub.) That is so, my Lord.

10,052. In other words, they have proved that they are efficient?—That is so.

10,053. But they have not come within the allotted number by merit of two-thirds?—That is so.

10,054. The Government has tried to remedy this lately by appointing more Members of certain minority communities?—I am not sure about it. On certain occasions, they have done so.

10,055. Mr. Suhrawardy, are you aware of an Order of the recruitment rules for the Bengal Services in 1928, in which the Government of Bengal ordered that there should be 46 per cent. Muslims for the Bengal Civil Services?—(Mr. Suhrawardy.) There were certain orders to that effect, and there have been several cir-

culars also issued by the Government of India, but our experience is that they are never acted upon.

10,056. That I was coming to. Do you complain that those Orders have not been fulfilled?—They are never fulfilled.

10,057. Could you tell us why they are not fulfilled?—I suppose there are always rules framed to circumvent those orders; somehow or other, we go round them. I have figures here which are most remarkable. For instance, figures have been checked with regard to Railways. I may point out to your Lordship that in the Railways Muslims in the Gazetted appointments throughout India are only 3 per cent. in number, and the Senior subordinate ranks, only 4 per cent., and within the last 10 years, when it is admitted that a very large number of competent Muslims have come into the field who could hold posts, not only Senior posts, but also Junior posts of clerks, and so on, we have found that the percentage of Mussulmans has actually decreased. We cannot make out why.

Sir Abdur Rahim.

10,058. In spite of the circulars?—In spite of the circulars, and any number of regulations. The Muslim Members have put forward suggestions from time to time that there ought to be an Inquiry into the matter, as to why, in spite of these Government circulars, Mussulmans are not appointed, or how these circulars are circumvented, but the Government has not, as yet, made that Inquiry. The only instance where an Inquiry was ordered was with regard to the Railways, and most remarkable figures have been placed before the Committee. (Sir Mohammed Yakub.) If I may say so, my Lord Chairman, the reason why these orders of the Government are not given effect to, is that the heads of the Departments, within whose power it is to give effect to these orders, are hostile to the Mussulmans, and it is impossible for a Secretary of the Government, or a Member of the Executive Council, to look into the details of each and every appointment. It is left with the subordinates to carry out those orders, and those subordinates are hostile to the Muslims, and, therefore, no effect is given to those orders. (Dr. Shujauddin.) May I be permitted to make just one statement on this point, and that is this: with regard

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to the objection that is often made, and with regard to the suggestions that were made also in this Committee to-day, that qualified Muslims are not available for all these posts, and that Muslims who have gone through the competitive examination do not come forward in sufficient numbers, this is the reason why they are not appointed. As a matter of fact, the Government of India some time ago appointed a special officer to go into the question of Railway Services, and, in his Report, this special officer stated that in one Division alone of the North-West Railway, there were sufficient qualified Muslims to hold the appointments in the whole of the Railway during three particular years.

Sir Henry Gidney.

10,059. Sir Mahommed Yakub, would I be correct if I were to say that the present cry in India is more a Provincial cry: "Bengal for Bengalis, Punjab for the Punjabis, Bihar for the Biharis"?—(Sir Mahommed Yakub.) To a very great extent.

10,060. Would you think it correct if I said that in these cries, which are decided by pacts between governments and the major communities, other minor communities, such as my own, are shown no consideration at all?—I must say all the minor communities have not so far.

Mr. N. M. Joshi.

10,061. May I ask whether Sir Mahommed Yakub is talking of the railway services?—Yes.

10,062. And the communities do not get their share?—I would not say that the Anglo-Indians do not get their share in the railway services, but certainly their numbers have been falling down from what they were in past years. Whether they were getting more than their share or not, is not for me to say.

Dr. Shafa'at Ahmad Khan.

10,063. You are not opposed to the retention of a reasonable proportion of Anglo-Indians in their present employments?—No, I am not.

Sir Henry Gidney.

10,064. Are you aware of the fact that in the Postal Service of Bengal and Assam there are only .5 per cent. Anglo-Indians employed?—About that in the Postal Service.

Sir A. P. Patro.] I think the Secretary of State is going to give evidence about

the Postal Service and all that kind of thing later on. If we are going into the details of the Services, I submit it is quite irrelevant at the present moment.

Sir Henry Gidney.

10,065. You do not know that, do you?—I do not know about the Anglo-Indians, but about the Muslims I can say that in the Post and Telegraph Directorate in 1925 there was no Mussulman; in 1927 there was one non-Mussulman, and no Mussulman. Superintendents, in 1925 no Mussulman; in 1927, non-Mussulmans, 12, Grand Total—12. Assistants. 1 Mussulman, 7 non-Mussulmans; Total—8; Percentage—12.5. Then Clerks. 15 Mussulmans; non-Mussulmans, 58; a total of 73. That is in the Directorate of Posts and Telegraphs.

10,066. Owing to the great importance which you attach and other communities attach to adequate representation in the Services, are you aware of the present system that obtains in the Government of India and in the Provincial Governments?—Yes.

10,067. We have discussed the present system. You have suggested employment on a political ratio of representation in Councils. You have further said that efficiency is a *sine qua non* for all such appointments?—Yes.

10,068. Would you take this efficiency to mean to-day education in English?—Any standard of qualification that may be prescribed.

10,069. The appointments which you and other minority communities are concerned with are generally the subordinate appointments rising from about 30 to 250 rupees a month?—Not only the subordinate appointments, but all the appointments.

10,070. Would you consent to the Committee to take into consideration the efficiency test in English?—I am quite prepared that the Committee should do that.

10,071. Are you aware that, roughly speaking, there are hundreds of thousands of such appointments in the various governments?—There are.

10,072. Then the whole of India is not in open competition for those appointments?—There is none.

10,073. Only those are eligible, who are educated up to about the secondary standard in English. Are you aware

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that the Census gives 2,000,000 people in India literate in English, of which, roughly, about 50 per cent. are educated up to the secondary standard; in other words, about 1,000,000 people?—I have not gone through the figures.

10,074. Would you be prepared to accept that only those 1,000,000 people in open competition for those hundreds of thousands of jobs, and not the whole population?—I think that competition is not the proper way of recruiting in all the Departments.

10,075. Sir Mohammed Yakub, you are an old member of the Legislative Assembly. Would I be correct in saying that the greatest difficulty which faces the Government to-day, and that will face all future Governments, will be the communal appointments in the various Services?—That is so.

10,076. Would I be correct if I said that if it were not for this grab for power the Legislative Assembly would have very little work to do at Question time? Is that so?—I would not go to that extent; but I would certainly admit that a very large number of Questions in the Assembly are put relating to the proper share of different communities in the Government Services. (Mr. Suhrawardy.) We may add that much of the communal bitterness arises as to the appointments in the Services.

10,077. Would you agree with me if I said that a satisfactory solution to this important matter would lead to a much more harmonious relationship between the various communities?—(Sir Mohammed Yakub.) That is what I have said this afternoon in my statement.

10,078. Would you agree with me that one of the chief problems that will face the future governments is the settlement of the various communities' employment in the Services? That is quite right.

10,079. Is it for that reason that you ask in your memorandum that a Mussulman Member should be in every Cabinet?—To a very large extent.

10,080. Would you agree with me if I suggested one of the following, so far as the All-India Services are concerned?—Would you agree that to one of the Counsellors who would be given to the Secretary should be given the portfolio of general protection and supervision of the minorities in India?—I do not know. British officers have not succeeded

in giving the Mussulmans their just share in the Services

10,081. Of course, you do not infer from that a Britisher would always be a Counsellor?—It is very difficult for me to go into the details of any proposal, but what I suggest is that there must be a satisfactory method by which there will be a fair distribution of the Services amongst all the communities I would not be prepared to accept any definite scheme just at this moment

10,082. Would you accept the alternative that in every Cabinet one of the Ministers should represent or protect all minority interests?—I have just given my answer, that it will be very difficult for me to commit myself to any scheme or to any proposal without going into its details and its implications, which I cannot do at this moment.

10,083. There is one more question. In paragraph XI of your Memorandum headed "Services" you say "We would call special attention to the wholly inadequate" etc., and then you say that the rights of the Muslim community should be heard through their own recognised Trades Unions and Associations?—(Mr. Yusuf Ali.) Yes.

10,084. Am I right or am I not right when I say that the reason for this request has risen from the refusal of the Government of India to recognise the Muslim Railway Association?—Quite right; that is so, and the Muslim Postal Association.

10,085. And you wish to impress upon the Committee that they should be the mouthpiece of the Muslims engaged in those services?—(Mr. H. S. Suhrawardy.) We would point out, and we are very emphatic upon this, that without such recognition of communal employees' unions these various orders and circulars of the Government will continue to be circumvented and all the safeguards and figures you may put down for these Services will come to nothing—there will be nobody to keep a watch upon them and see that they are properly carried out.

10,086. You are aware of the precarious position of the Anglo-Indian and domiciled European community in the Provinces and in the Government of India Services?—Quite right.

10,087. Would you, as representing your big and powerful community, the Muslim community, agree that adequate and statutory protection should be offered the Anglo-Indian community so

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as to ensure it taking as good a part in the future as it has done in the past?—(Sir Mohammed Yakub) That is quite right Mussulmans do not want to do injustice to any community. In fact Mussulmans being the largest of all the minority communities should be protected adequately. Democracy means this, that all the minority communities have a fair share both in the Services and in the Administration of the country and unless all the minority communities have their share it will be no democracy but only predomination of one community

Marquess of Lothian] Has not this question already been made quite clear to the Committee five or six times?

Lt-Col. Sir H. Gidney.] Might I go further and say that it would not be predomination, nor would it be domination, nor would it be democracy, it would be hypocrisy.

Sir Hubert Carr

10,088. I have only one question on paragraph (b) under the head "No. XI—Provincial Legislatures" of your Memorandum. You say "There should be no Upper Chamber in Bengal." Would you mind giving some reason for that?—(Mr. H. S. Suhrawardy) There is really no necessity for an Upper Chamber as all interests will be represented in the Lower Chamber. We feel that the result of the establishment of an Upper Chamber will be that there will not be any harmonious working of the Lower Chamber, and the various parties there will come into conflict with each other very rapidly. When you have a Lower Chamber without an Upper Chamber, all the parties there will realise that they have to work harmoniously with each other. Attempts will be made, therefore, in a spirit of compromise to work with each other, but if the Upper Chamber is constituted differently from the Lower Chamber, then the result of it will be that one or the other party that may have more influence in the Upper Chamber than the Lower will always look to the Upper Chamber for the purpose of fulfilling its own objects and its own desires, and will always, therefore, be a thorn in the side of the Lower Chamber, and if the Upper Chamber is merely a reflex of the Lower Chamber, then, of course, there is no necessity for it.

10,089. Would you agree that an upper Chamber is able to extend protection

to minorities?—No. There is no special reason why an Upper Chamber will be able to extend protection when a Lower Chamber will not be able to

10,090. You will agree that most authorities give that as one of the purposes of an Upper Chamber?—Somehow or other there is an idea that the Upper Chamber is likely to be more sedate and more conservative.

10,091. And less communal?—Not necessarily

10,092. Not necessarily?—No

10,093. You feel that members with a higher qualification would not be those who would first lose the communal feelings which you stated earlier you hoped to see gradually decrease?—No, I do not think so. On the other hand, I think that in the rough and tumble of the politics of a Lower Chamber, there is a greater likelihood of a compromise issuing

Mr F. S. Cocks.

10,094. Later you say in your Memorandum that you want as many subjects as possible transferred to the Provinces. Will you look at Appendix VI, List 1 of the White Paper? Are you aware that as far as the first 48 items are concerned it is contemplated that the Indian States will normally surrender their powers regarding those first 48 items?—(Mr. Abdullah Yusuf Ali) Yes. The question is: Will they? I do not know.

10,095. If we take it for the sake of argument that they going to, you would not propose to transfer any of those items?—No, in matters in which the Indian States give us reciprocity, it is only fair that they should have a share in the regulation of those matters.

10,096. Referring to items 49 to 64, which of those do you suggest should be transferred to the Provinces?—As I said I do not accept the dichotomy that you have proposed, but I think most of those items will naturally go to the Provinces, except Nos. 55, 56, 57, 58 and 59. I do not know that 60 need go to the centre. I do not think that 61 zoological surveys are of any political importance—63, certainly.

10,097. 63 will go to the Provinces?—63, certainly. We have said in our Memorandum that we want the regulation of justice to be in the hands of the Provinces rather than the centre

10,098. Apart from those five rather small items, do you think that all these points would go to the Provinces?—I

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think so. I should have to look at it very carefully before I made a very positive statement, but that is what roughly appears to me.

10,099. On page 119, list 3: "Concurrent Questions"—how many of those items do you suggest should go to the Provinces?—It is the same thing. I should have to examine it very carefully.

10,100. These are concurrent subjects, and I want to know how many of these items you think should be transferred to the Provinces only?—In regard to concurrent subjects, I think mostly—those in which it is desirable that there should be a certain amount of uniformity and, therefore, regulative action; but as the Provinces have concurrent jurisdiction, I do not mind the centre having jurisdiction to be exercised so that they could unify and co-ordinate.

10,101. It comes to this that a very large sphere of legislation there contemplated for the Central Legislature would be transferred under your proposals to the Provinces?—Yes; and the residuary powers. Those are most important, because we do not know what they are. They arise only through experience.

10,102. All those which are not specifically mentioned should go to the Provinces?—Yes

10,103. Would not this facilitate any attempt in the future of the Provinces to split off from the Federation?—There is a danger of that in the whole scheme, but I do not think that this particular thing would make the danger worse.

10,104. You do not think that if the Provinces have larger powers and the Central Legislature have smaller powers it would strengthen the Provinces in any endeavour in that direction?—It will strengthen the position of the Provinces but so long as we get the co-ordinating authority of the Governor-General at the centre I do not think the risk is any greater.

10,105. I think you said in an earlier part of the afternoon that as good Indians you would co-operate with your Hindu fellow citizens. May I take it from that that your ideal, for the future—some distant future, to be realised one day—is that Indians will vote as Indians and not as communities?—Yes.

10,106. Is that your ideal?—Yes.

10,107. But as a matter of fact in order to safeguard your rights it is true, is it not, that it is the Muslim community

which has insisted upon communal electorates?—That is right.

10,108. You regard that really as a regrettable necessity?—That is right.

10,109. In your Appendix you say that you are not in favour of any joint electorates till your rights are safeguarded. It is in Appendix I?—Our Appendix I is a resolution passed by the All-Indian Muslim Conference, which stands.

10,110. I take it you stand by it?—Yes.

10,111. On the first page of the Appendix it says: "And whereas as long as Musalmans are not satisfied that their rights and interests are adequately safeguarded in the constitution, they will in no way consent to the establishment of joint electorates, whether with or without conditions."—That is right.

10,112. What do you mean by "satisfied that their rights and interests are adequately safeguarded." How could they be safeguarded adequately in such a way that you would consent to the establishment of joint electorates?—It is a psychological question. When we feel confidence in each other that is a bigger safeguard than any paper safeguards.

10,113. You are really thinking that in process of time things will so work as you have suggested that it will not be necessary to keep up this system?—That is right.

10,114. Why is it you suggest that there should be communal electorates for the Council of State?—This has been specially insisted upon by the Muslim Conference because they feel that without it, under present conditions, they will not get representation by the sort of men they want.

10,115. At the present time it is suggested that the Council should be elected by the single transferable vote, that is, really, proportional representation?—Yes. That may give us the numbers, although that is slightly doubtful, but it will not give us the quality we want.

10,116. Will you explain why it will not?—Because naturally, so long as the feelings between the Hindu and the Muslim communities are not friendly, or are strained, so long would the majority community tend to send the sort of men who would rather go with them, than with the general feelings of the Muslim community. (Mr. H. S. Suhrawardy.) In other words, for the same reason for which we want separate electorates in



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the direct election. (Mr. *Abdullah Yusuf Ali*) The same policy throughout.

10,117. You think they will elect somebody who is likely to sit on the fence?—Either that or worse than that, who would go with them rather than others. (Mr. *H. S. Suhrawardy*) We see no merits in the single transferable vote.

10,118. In Clause (c) you suggest that Muslim Chambers of Commerce, wherever existing, should select their members?—(Mr. *Abdullah Yusuf Ali*) Yes.

10,119. Do you think that is necessary?—The same reason runs through it all. At present whether in universities or in chambers of commerce or in Trades Unions that communal cleavage comes in, and if we accept it in the general framework of the political machine I think logically we ought to accept it in the various roots that feed it, otherwise what we want is not attained.

10,120. Do not the chambers of commerce, at any rate large ones, consist as a rule of Hindu business men?—That is so; but look at the British Chambers of Commerce, theoretically, they are open to Indians and yet it is necessary to have Indian Chambers of Commerce. You just carry the principle a little further (Mr. *H. S. Suhrawardy*) In Bengal, recently, the question of giving representations to a Muslim Chamber of Commerce was considered by the Delimitation Committee and the Muslim Chamber of Commerce represented its case, and it was proved there in the case of the other Chambers of Commerce, known as the Bengal National Chamber of Commerce, the Indian Chamber of Commerce, and so on, there were hardly any Muslim Members in them, that they could not influence the policy of the Chambers of Commerce in those bodies, and they considered it essential for their interests to have a Muslim Chamber of Commerce. I may state that so far as Bengal is concerned the Muslim merchants form a very important section there and have a very large volume of export and import trade in their hands. After considering it very carefully, the Delimitation Committee decided to give representation to the Muslim Chamber of Commerce.

10,121. Is it not better, though, in the business world, to encourage Muslims and Hindus to work together in the same Chamber of Commerce than to accentuate differences by having their own Chamber

of Commerce?—(Mr. *Abdullah Yusuf Ali*) Theoretically it would be better, but we are taking account of the feelings that actually exist.

10,122. You suggest that whenever the Muslims are in a minority there should be one Muslim Minister?—That is right.

10,123. Would you also agree that where Hindus are in the minority, there should be a Hindu Minister?—Yes; I said that this morning.

10,124. In Bengal you have admitted that you will have a majority which is unaltered by appeals to the electorate?—No, we do not admit that at all. It is one of our grievances that we have no majority.

10,125. I thought you said that in actual practice you would have one?—(Mr. *H. S. Suhrawardy*) The figures which have been given in regard to it and which seem to give us an absolute majority are incorrect. We do not expect that we shall ever be able to get as many from the special electorates as have been suggested that the Muslims would be able to capture.

10,126. You deny the assumption that there will be a Muslim majority in Bengal?—Yes; there will never be an absolute majority.

10,127. Not an absolute majority over all parties?—(Mr. *Abdullah Yusuf Ali*) No.

10,128. I will not pursue that point?—(Mr. *H. S. Suhrawardy*) On the White Paper as it is at present.

10,129. In your Memorandum, on the question of labour, you say you want labour to be effectively represented?—(Mr. *Abdullah Yusuf Ali*) Yes.

10,130. Are you in favour of increasing the present representation allotted to labour on the Provincial Legislatures?—Yes, provided it does not disturb the communal balance.

10,131. Could you do that by electing additional labour members and increasing the number of the Chambers?—Something of that kind could be done.

10,132. And in the Assembly also? What about the representation of labour on the Assembly?—Yes.

10,133. It has been suggested by a previous witness that it would be very difficult, if not impossible, for labour representatives to be elected on the Council of State. Would you care for any special representation of labour on the Council of State?—Not specially, because their re-

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presentation in the Lower Chamber would give them political influence, but I would not object to their being sent also to the Council of State. I do not think it is specially necessary.

10,134. But if the Central Legislature is the body which will deal with labour questions, it is surely only right that labour should be represented on that body. Do not you agree with that?—In the Upper Chamber?

10,135. Yes. They will deal with it as well as the Lower Chamber?—Why should the Upper Chamber deal more with labour questions than the Lower Chamber?

10,136. Not more, but the point was that there would be no labour representative on it as at present constituted?—We have no objection.

10,137. In paragraph IX you speak of special Muslim Trades Unions?—Yes.

10,138. Are you trying to form special Muslim Trades Unions apart from the general Trades Unions?—I am afraid force of circumstances has compelled some of the Muslims to make their own Trades Unions. I was asked specially to represent two of them, but the Committee decided not to call a witness for those Trades Unions. It is a very sad case. It shows how impossible it is, even in such simple matters as trade and commerce and labour, to get people to work together in the present attitude in India.

10,139. It was represented to us by a witness from Trades Unions—in fact, two or three witnesses—that in their Trades Unions they had no difficulty and that Hindus, Muslims and the depressed classes all worked side by side?—That is what they say, but we have found it different and hence the necessity for forming our own Trades Unions. (Mr. H. S. Suhrawardy.) On the other hand we have found that the general Trades Unions have definitely refused to put forward those demands which their Muslim Members wanted them to put forward, or to look after the interests of the Muslim employees, and it is for that reason that the Muslims have formed their own Trades Unions which, unfortunately, have not been recognised by the Government.

10,140. Were they economic demands?—(Mr. Abdullah Yusuf Ali.) They were mainly demands for services and so on. You know there are telegraphic unions, postal unions and things of that kind, and there is bad blood if people are recom-

mended not on their merits but communally. That is the main reason why these very powerful bodies have arisen. I think the Government must recognise them at some time or other.

10,141. It is a question of promotion rather than a wage question?—(Mr. H. S. Suhrawardy.) Promotion and recruitment (Mr. Abdullah Yusuf Ali.) Those are economic questions, surely. They affect the members of the Trades Union.

10,142. I want to ask you one or two questions on women's franchise. You say you object to women being given the vote in the right of their husbands?—Yes

10,143. You say you object to it because you believe a woman should have the vote in her own right?—Yes

10,144. You really take the extreme feminine point of view?—That is so.

10,145. From a practical point of view that will lead to a reduction in the women's vote?—It will at present, but I do not think it need do so perpetually

10,146. For example, you know the figures given in the Franchise Committee's Report?—Yes.

10,147. They say that in the United Provinces 414,000 women would have an independent property qualification, and 1,100,000 on their husbands' property qualification; leaving out overlapping, that would mean that with 1,500,000 total women's electorate, on that adjustment, 1,100,000 would be disqualified?—We must accept the figures as they are, but the remedy lies in some such alternative proposal as has been already discussed, such as the literacy qualification, or something of that kind.

10,148. The literacy qualification is given there, and in the United Provinces only 158,000 would pass that test?—That is so. But that is a thing which would change every year. It is changing already

10,149. What I mean is this, that the literacy test in point of numbers would not counterbalance those swept away because of the loss of the husband's property qualification?—Not straight away, but every year the position would be better. It is a great deal better now than it was three or four years ago.

10,150. If a man has a vote because he has property, why should not a woman have a vote because she has a husband?—Because her husband is not property, I respectfully submit.

1<sup>o</sup> Augusti, 1933.]

Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued]

Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,

Dr. KHALIFA SHUJAUDIN, LL D., and Khan Sahib HAJI RASHID AHMAD

10,151. You are aware that under the White Paper proposals as far as Provincial voting is concerned, it is estimated by the White Paper that one in seven women will get the vote—the proportion between men and women will be one in seven, but most of the lady representatives who have given evidence before sub-committees say that that is altogether optimistic and the proportion should really be one in 16?—I have no more to offer on that subject, but I think it is a radically wrong view to take that you must arrange your electorate so that a certain proportion should come in. I do not agree with that at all.

10,152. It is generally recognised that the women's vote in the Assembly would be one to 20?—I doubt that very much. I do not think it will be quite as low as that, but still, as I said, I do not accept that principle of fixing the franchise according to the number of people you get in.

10,153. You think that is an irrelevant consideration?—Yes.

10,154. Do you disagree with the Prime Minister when he wrote to the Franchise Committee and said "His Majesty's Government attach special importance to the question of securing a more adequate enfranchisement of women than the existing system which applies to women the same qualification as to men, and has produced a women's electorate numbering less than one-twentieth of the total male electorate"?—It is difficult to answer that question put in that way, but I certainly think that some of the implications in it are not those with which I would agree. I want the women to come in more and more, but I want them to come in naturally with the improvement of their social status, with the improvement of their education, and so on, I do not want to force it. (Mr. H. S. Suhrawardy.) As they have come in here. (Mr. Abdullah Yusuf Ali.) Yes; as is the case in England.

10,155. Do you agree or disagree with the Franchise Sub-Committee of the Round Table Conference when it said that "no system of franchise can be considered satisfactory or as likely to lead to good Government where such a great disparity exists between the voting strength of the two sexes"?—I agree to that as an abstract proposition, but I do not agree with the remedy they propose.

10,156. You agree with it as an abstract proposition but not with the practical

effect?—No. What I mean is this, that such a system would be lop-sided, but the remedy would be to bring up the women so that on equal rights they could come up.

10,157. It has been suggested, I think, by some of your delegation, that the interests of men and women are not different at all. Do not you think as regards legislation affecting women and children that is more likely to be put through if there is a women's vote behind it?—Personally, I agree.

10,158. Does your delegation agree?—Our community as a whole does not think so. (Mr. H. S. Suhrawardy.) No; we can look after the interests of the women and children.

10,159. That has been said for many generations. Would your delegation also say that your social customs will prevent many women voting?—(Mr. Abdullah Yusuf Ali.) That is so.

10,160. Do not you think that if women had the vote they might abolish those social customs?—I think the process should be the other way. As the women will get more education the customs will go. They are going now, but I do not believe in artificially forcing the pace.

10,161. You think they will go through the spread of education but not through women having the vote?—Yes. I think education is far more important than the vote.

10,162. Do not you think women's education will be more likely to develop if women have the vote?—I do not say that.

10,163. We have been told too that women are not much affected by communal questions, and that they are really rising above it. Do you agree with that?—That is a statement made by my friend, Begum Shah Nawaz. I do not quite agree with that. (Mr. H. S. Suhrawardy.) Our experience is entirely the opposite. (Sir Mohammed Yakub.) The point is that women have just come into the arena of public life and they have not the same experience of public life or of the conflict of interest between the two communities as we have. In fact, they do not go into services where there is the greatest clash between the two communities and therefore they have not any experience. In fact, they do not go into the danger zone. As they go more and more into public life and enter into the danger zone they will feel that there

1<sup>o</sup> Augusti, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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is a communal question between women and women also.

10,164. If you thought that the women were acting merely as a solvent of the communal difficulties, would you welcome the franchise for women?—(Mr. *Abdullah Yusuf Ali*.) If I thought so, but that is a questionable proposition. (Sir *Mohammed Yakub*.) Even among the All-India Women's Conference I have heard that there is dissension amongst its members on communal lines. (Mr. *Abdullah Yusuf Ali*.) Yes; everybody knows that.

10,165. Do not you think it is rather a pity with these women's organisations to force women back into communal electorates, as you suggest?—It may be a pity, but it is very necessary. (Mr. *Suhrawardy*.) The women of both the communities in India live in much more watertight compartments than the men. They do not come in contact with each other and they are much more conservative and orthodox than the men are.

10,166. Are women very strongly represented in the Muslim Conference and the Muslim League?—(Mr. *Abdullah Yusuf Ali*.) Not very strongly represented. In our community they mostly live private lives.

10,167. Is your view largely the view of the masculine side of the Muslim movement?—(Sir *Mohammed Yakub*.) Not only the masculine side, but our women also share these views. (Mr. *Suhrawardy*.) There are hardly any women, taking it in numbers, who have come yet into public life.

10,168. Do you agree that the political awakening of the women of India is one of the most remarkable features of modern Indian public life?—(Mr. *Abdullah Yusuf Ali*.) Yes.

10,169. Do you welcome it?—Personally, yes, but I think there are some people in our community who look upon it with suspicion. I think the community will certainly welcome it if it is within the spirit of the community.

10,170. One last question on fundamental rights. On page 10 of your memorandum you say you are in favour of the "necessity of providing proper safeguards for the protection of Muslim religion and culture, education, languages and law." Would you agree to amend that by saying "all religion and culture, education and languages," not merely Muslim, but of all communities?—Yes,

that follows, because the Hindus being in the majority would naturally pull their own weight. We being a minority would want to protect our own culture.

10,171. Do you agree that a declaration of fundamental rights should be general rather than particular?—Yes.

10,172. Would you agree to include sex in that?—Sex is not a fundamental right. (Mr. *Suhrawardy*.) It can hardly be altered by legislation. (Mr. *Abdullah Yusuf Ali*.) As I said before, the interests of the sexes are the same in the political field.

Mr. R. A. Butler.

10,173. There is one question which my colleague of the Labour Party has not asked. How would you elect the members for the Lascars' constituency you suggest? Would you elect them by the roll, on the employment register, or would you elect them by trade unions?—By trade unions probably, but I am not particular in regard to details.

10,174. You have not worked out the conditions for that?—No.

10,175. You have not any established opinion on that point?—No. (Mr. *Suhrawardy*.) I am President of a seamen's society, and my suggestion so far as that is concerned is that their representatives should be elected by the trade unions. They are fairly well organised. There are many trade unions, and include Lascars and butlers and various ratings. (Mr. *Abdullah Yusuf Ali*.) As a general principle, it is a good thing that trade unions should be encouraged, because that would encourage the organisation of labour.

10,176. That is for the Federal Assembly, but with regard to the Provincial Assembly representative for the inland watermen, whom would you like to elect in that case?—(Mr. *Suhrawardy*.) Also by the seamen, I think. The inland mariner workers as well as the seamen did put before the Delimitation Committee their point of view that a seat should be set apart for each of them, represented by trade unions, and ultimately the Committee decided that two out of the eight seats should be set aside for representation by all the trade unions within the Province, and as the seamen's unions are the best organised they expect that they will be able to get at least one.

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Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

SIR MOHAMMED YAKUB, Kt., M.L.A., MR. H. S. SUHRAWARDY, M.L.C.,  
DR. KHALIFA SHUJAUDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

10,177. That is for the Provinces in Bengal?—That is for the Provinces in Bengal.

*Sir Austen Chamberlain.*

10,178. May I put a question first of all about fundamental rights. I gather, Mr. Yusuf Ali, that you are not satisfied with the proposal in the White Paper? I do not know whether you have it before you, but I should like to read you a few words?—(Mr. *Abdullah Yusuf Ali*.) Do you mind quoting the Section?

10,179. It is Section 75 of the preliminary part?—I have it.

10,180. His Majesty's Government "are satisfied that certain provisions of this kind, such, for instance, as the respect due to personal liberty and rights of property and the eligibility of all for public office, regardless of differences of caste, religion, etc., can appropriately, and should, find a place in the Constitution Act." I understand that is not sufficient for you?—That is not sufficient.

10,181. What more is it exactly that you require?—We want the protection of our culture, of our religion, of our languages, education and so on, and personal laws.

10,182. Does law as used in that paragraph in your memorandum mean personal law?—Yes

10,183. Have you considered how for the purposes of that protection you would define the culture of any body—Muslims or others?—There is a special kind of culture that has grown up through our literature and our history. We do not want to lose it. That is more or less bound up with religion, languages and personal laws. For instance, the heritage of Persian and Arabic literature would be lost if the Council passed a resolution to eliminate those subjects from education. We have been pressing for the teaching of Islamic history in the Punjab University. There was a very real danger that Islamic history might be omitted. That is the sort of thing we are contemplating. (Sir *Mohammed Yakub*.) It was actually omitted.

Mr *Zafulla Khan*.] It was omitted in the sense that it was excluded before and the Syndic directed that it should not be a subject.

*Lord Eustace Percy.*

10,184. Under your scheme what authority is there to compel the Punjab

University to retain the teaching of Islamic history?—(Mr. *Abdullah Yusuf Ali*.) If it was in the Constitution any University or Municipality or community could be forced to do it by law. We could get an injunction against the Punjab University to stop the exclusion of Islamic history if it was in the Constitution.

10,185. No doubt you could if Islamic history was specially mentioned in the Act, but what conceivable form of words could be interpretable in that regard by a Court of Law?—I think culture would include that, though I admit there is a certain amount of vagueness, and the probability is the matter would not be decided by injunction but by an appeal to our fundamental rights less in Courts of Law than in Councils

*Lord Rankeillour.*

10,186. Are you thinking of ecclesiastical law in this paragraph?—Ecclesiastical law in this sense. I must explain that in India we have a large body of law applying to marriage, divorce, inheritance and so on, which is derived through religious sources, and we want to prevent that being taken away or being swamped.

*Lord Rankeillour*.] That is what I meant

*Sir Austen Chamberlain.*

10,187. Would the law of inheritance come within fundamental rights?—Well, in so far as it has a religious significance and is part of personal law. (Sir *Mohammed Yakub*.) We derive our inheritance law from the Koran.

10,188. It is very difficult for some of us to follow the implications of your view of this matter. Do you think it would be possible for you to send to the Committee after full consideration a considered form of words which would do what you want, so that we might examine it?—(Mr. *Abdullah Yusuf Ali*.) We represent the Muslim Conference and the Muslim League, and we should have to refer to those bodies if we were to submit a cut and dried formula; but I can explain one or two matters further. Take, for instance, the question of inheritance. Under Muslim law the daughters as well as the sons inherit—all female relations inherit in the same way as males though not necessarily the same shares. Hindu law excludes females. Suppose that the Legislative Council took it into their head to abolish this privilege in Muslim law; we

1<sup>o</sup> August, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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should be very, very seriously handicapped—we should not like it at all—in fact it would be against all our history.

Sir Austen Chamberlain.] I follow that.

Mr. Zafrulla Khan.] May I say this.

Sir Austen Chamberlain.] Perhaps I can put my question this way, and then I will give way to Mr. Zafrulla Khan.

Mr. Zafrulla Khan. I merely wanted to explain the position of Muslim law at present under the Statute and not put a question.

Sir Austen Chamberlain.] Please go on.

Mr. Zafrulla Khan.

10,189. What I wanted to explain was this. Take one Province, the Punjab. Section 5 of the Punjab Laws Act, which describes what laws shall be applicable to the Province, says that in certain matters, including marriage, divorce, succession, inheritance and guardianship, Muhammadan law shall apply to the Muhammadans and Hindu law to the Hindus in default of a custom proved which may be applicable to the parties. The point I wanted to explain—I did not want to put a question to the witness—was this. This position that is stated there is applicable in almost every Province, and the object of this portion of the memorandum would be to secure that that right of the Province should not be abrogated so as to force either Hindus or Muhammadans to accept measures on matters which are specified in this Act which would contravene their right?—(Mr. Abdullah Yusuf Ali.) Those laws could be easily specified.

Sir Abdur Rahim.] They are specified.

Sir Austen Chamberlain

10,190. What you desire is a provision in the Constitution similar to the Act now existing in the Punjab which has been described?—Existing all over India.

10,191. Existing all over India, you say?—Yes.

10,192. Now I want to return to an answer which you made this morning. You spoke of having seen an advertisement in the "Times" for posts in India with a notification that only European applicants were invited to apply?—Yes.

10,193. Do I understand that that advertisement was an advertisement referring to the Indian Medical Service?—That is, my memory.

10,194. In the Indian Medical Service a certain proportion of appointments are reserved for Europeans, are they not?—So it appears.

10,195. And the rest are reserved for Indians?—At present the recruitment in the Indian Medical Service is only made occasionally. There are a certain number of Indians in the Indian Medical Service. In the old days there were examinations in London held regularly like the I.C.S. examination, to which it was open to any Indian or any Englishman to go, and if he passed he was taken without any question. Now the matter stands on a different footing. The Secretary of State, in order to maintain a certain percentage of Europeans in the Medical Service, recruits them occasionally, and whenever he wants to fill European vacancies he advertises in the "Times" with this wording, that only persons of "European parentage" should apply.

10,196. That is very different, if I may say so, from the impression that your earlier answer might have produced. You called attention to this matter as an instance of unfair discrimination?—Well, I think it is.

10,197. Am I not right in saying that Indians for the Indian Medical Service are recruited in India?—Some are.

10,198. Some here as well; but, rightly or wrongly, it is desired to have a proportion of Europeans in the Indian Medical Service?—That is a very different question.

10,199. Rightly or wrongly, it is the policy, and has been the policy, of the Government of India and of His Majesty's Government to have a certain proportion of European officers in the Indian Medical Service?—That is so.

10,200. Is not this what happens at the present time? If there is a vacancy in the Indian cadre an Indian is recruited and if the vacancy which is advertised is in the European cadre then a European is recruited?—I do not know whether that is so, but I am prepared to accept that as a possibility.

10,201. That would be the explanation of the advertisement, and a much more innocent explanation than the one you gave?—But I think that method is wrong.

Sir Austen Chamberlain.] That is quite another thing.

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Mr. ABDULLAH YUSUF ALI, C.B.E.,

[Continued.]

Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,

Dr. KHALIFA SHUJAUDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

Sir Hubert Carr.

10,202. May I suggest that the number of officers in the European cadre is very far short of what it is supposed to be?—I believe sometimes when the examination has been taken very few European candidates went in. There may be some justification for getting more European candidates. I am not objecting to that, but I am objecting, as a matter of principle, to a recruitment being made in that form. I think you can set apart quite easily a certain number of vacancies, but you should recruit all the people together and say so many appointments shall be reserved for Europeans, assuming that the policy of reserving a certain number for Europeans is accepted.

Sir Austen Chamberlain

10,203. That is in fact what you ask shall be the case in regard to the Services for Muslims?—Yes.

10,204. Is not that in fact exactly what the Secretary of State is doing in the advertisement to which you have taken exception, but for a different purpose?—Well, the wording does not show that

10,205. I do not say that the wording shows it. He does not in the advertisement say that he is recruiting the Indian section in India or the Indian complement of the Service from Indians, but he is needing a certain number of Europeans, and therefore he advertises for Europeans just as if you were to have the proportion set out, as you wish, in the Services for Muslims, supposing a vacancy was not among the Hindus but among the Muslims you would have to intimate that only a Muslim candidate could be accepted?—That would be all right.

10,206. But when it is applied to an Englishman it is all wrong?—No. My point is this. Where there is any reservation of that kind in the recruitment, it should be open to all people who are eligible for it, subject to the reservation of so many seats being reserved for Europeans or Muslims or Hindus.

10,207. I will only put one further question on that point. Assuming that the Secretary of State advertised because he required European officers for the European Cadre of the Service and those were the only vacancies at the moment, would it really be an advantage to the Indians to be invited to sit for that

examination and to be told at the end that wherever they had come out in the examination they could not be appointed because these were vacancies reserved for Europeans?—No, but why not have one examination and then reserve so many seats for the various people?

10,208. In India or in England?—Well, in both places. The greater number of people, Indians, who are likely to go into the Indian Medical Service, are educated in England, and it prejudices them if you exclude them from the examination in England and send them back to India and then leave them to compete. I do not think there is an examination held in India

Dr. Shafa' at Ahmad Khan.

10,209. You have no objection at all to the principle formulated by Sir Austen Chamberlain?—No, I have no objection whatever to that, but I am objecting to the method.

Mr. Butler.] The inference that Sir Austen has now drawn from the original answer is a more accurate one than the original inference would convey.

Sir Austen Chamberlain.

10,210. I am not sure that I follow that observation?—I merely quoted that incidentally because I think it is a wrong principle.

Sir A. P. Patro.] As a matter of fact, with regard to the British Cadre of the I.M.S., in order to fill up these vacancies the Secretary of State has been advertising these reserved places. It is not a new thing which the Secretary of State has been doing to deprive the Indians of their proportion because the proportion has been growing less and less, and therefore advertisement has been made to recruit the British recruits in order to make up the proportion of the European Cadre?—I am not disputing that, but I do think that many Indians think that that method is open to misunderstanding.

Sir Austen Chamberlain.

10,211. Your objection is to the terms of the advertisement?—Yes.

10,212. But not to the reservation of places?—No.

10,213. There is no unfair discrimination shown in the reservation of places?—Not if you accept that policy.

10,214. That is all I want to get on that but I hope we have now got that



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Mr. ABDULLAH YUSUF ALI, C B E.,

[Continued.]

Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M L C.,

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matter clear. I wish next to turn to quite a different question, namely, the method of election to the Lower House of the Federal Assembly. You hold, if we were to work for democracy direct election was the only possible method to reach the goal?—That is so.

10,215. I presume you have read the Report of the Simon Commission?—Yes.

10,216. You do not agree with that?—I do not agree with everything that the Simon Report says.

10,217. I am going to put a particular passage to you and ask you whether you do or do not agree with them when they say: "If self-government is to be a reality it must be applied to political units of a suitable size, after taking into account all relevant considerations"?—Yes, I agree with that.

10,218. They further say "Representative democracy as it is understood in Britain depends for its success on the possibility of a close contact between the elector and the elected person"?—Certainly.

10,219. "Unless this is secured it is not real representation at all"?—Yes.

10,220. Do you agree with that?—I agree with that.

10,221. Then in a later passage the Simon Commission observe. "Representative institutions were devised as a means of getting over the difficulty created by the expanding size of states, and it appears to us to be in strict accordance both with the theory of representation and with the requirements of common sense to say that when the total area to be provided for is so huge that direct election would involve either impossibly large constituencies or an impossibly numerous Assembly, the solution is to be found through election by the elected"?—I agree with that only in a qualified sense as a general proposition. I do not agree with the implication in it that these constituencies are impossibly large.

10,222. To help my ignorance of Indian geography I wonder whether your knowledge of our geography would suffice. For instance, would you think that we could get an adequate representation of Wales if the whole of Wales were one constituency, the other parts of England being reduced in proportion?—That is for you to consider.

10,223. Do you know Wales?—I know Wales.

10,224. Would you think it easy for one Member adequately to represent the feelings of so large a district with so many difficulties of communication?—It is a very mountainous country and communications are not very good in the remoter parts of Wales, but if you take an area fairly large in India comparable to, let us say, four or five counties of the southern counties of England, that might give an illustration.

Sir A. P. Patro.

10,225. Take a district?—I will take a district of say 50 by 60 miles.

10,226. Or 70 or 80 or 90 miles?—Or even 100 miles by 50 miles, or something of that kind. Under Indian conditions, considering how few people are literate, I believe, that is not an impossibly large area.

Sir Austen Chamberlain.

10,227. Why does the fact that people are not literate make it easier to collect their opinions?—No, it is because a large number of them will not have the vote—350 millions will not be voters.

10,228. If the franchise were extended you would agree that such constituencies would be impossible?—Yes.

10,229. It is only for the comparatively narrow electorate now proposed that you would support direct election if it involves such large constituencies?—I should like direct election, and, if the number is increased, I should like the number of seats to be increased.

10,230. Up to what point do you think you could increase the Lower House of the Assembly without making it unmanageable?—Well, I suppose 500 or 600 seats—you have in the House of Commons 600.

10,231. As at present proposed would you take 2,000 to 5,000 in square miles as the kind of constituency a man might reasonably cover?—Yes, perhaps a little more.

10,232. There would be many constituencies under the White Paper Scheme which would be very much larger than that, would there not?—Yes.

10,233. There would be some as large as Wales and Monmouth?—The communal constituencies would tend to be large because they are scattered but the actual number of voters in them would not be very great.

10,234. I am talking of size at the moment. The constituencies might be as

1<sup>o</sup> August, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
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much as 12,000 to 17,000 square miles?—That might be so.

10,235. You think you could adequately keep touch with your constituents in a constituency extending over 12,000 or 15,000 or even 17,000 square miles with imperfect communications?—Not adequately in the sense that it is understood in England but we are only starting our system and I think we should have to be content with some defects that we would want to remedy later on.

10,236. May I put to you another quotation from the Simon Commission. They say: "Our observations tend to show that under the existing Constitution there is little contact between the two categories of representatives"—that is Federal and Provincial. They go on to say: "This is partly due to the slight connection of the Member of the Assembly after election with his constituents"?—That is quite true, but it is less and less true as time goes on.

10,237. But it is still true?—I think it is, but that difficulty is being got over as the Members learn their business and as the constituents learn their business.

10,238. Would you agree with the Simon Commission that all the evidence goes to show that at present a Member in the Assembly is not, and in the nature of things cannot be, subject to any real control on the part of his constituents?—Well, that is getting less and less true than it was. It was certainly true when it was written. There are great difficulties that we have to meet in that respect, but we have to make the best of the present situation as it exists.

10,239. You would sooner incur those difficulties and advantages than follow the recommendation of the Simon Commission with regard to election by the electorate?—Because that recommendation will not be acceptable to the people whom I represent. It is more a psychological question, is it not?

10,240. Would it be acceptable to you? Is it only your fear that you cannot persuade those whom you represent?—I think that I should prefer direct election myself, because it leads to greater and greater contact.

The Marquess of Lothian.

10,241. I want to ask you one question. Am I correct in thinking that you are in favour of the literacy qualification with regard to the vote for women?—That is one of the possible suggestions

that I make in order to give a larger electorate. I do not say absolutely that I should introduce it, but that is a perfectly legitimate way of equalising the status of the sexes.

10,242. The Muslim League, or the Muslim Conference, has not expressed any view about the matter?—I do not think that they have expressed any definite view about it.

10,243. If that is not so, then obviously there is no possibility of expanding the women's vote to the White Paper proposals?—No, but I do not think that there would be any objection to that if it were practicable.

Chairman.

10,244. You ask, amongst other things, in your Memorandum for protection of your language?—Yes.

10,245. What exactly do you fear in that regard?—I said "languages" because the Muslims of India generally have a vernacular Urdu, and we are always up against difficulties because the Hindus wish to exclude that language from studies, and so on. We are very keen that our vernacular should be safeguarded. I used the plural word "languages" because we have two classical languages in which our culture is embodied, namely, Arabic and Persian. If those were excluded our religious studies would be very much prejudiced. Therefore we think that our languages should be safeguarded, that it should not be open to any Legislative Council to issue a fiat suddenly that the Urdu language need not be taught. We constantly come across suggestions of that kind. One of the difficulties in one of the Indian States was that the Urdu language was banned more or less, and it caused a great deal of friction, or trouble.

10,246. Is there a literature to which you attach value in Urdu?—We Muslims certainly think that there is a great deal of value in it.

10,247. Is there a literature?—There is a large literature. (Sir Mohammed Yakub) It is not only literature, but our religion is in the Urdu language, and because the Muslim boy is forced to read the English language if he is to get employment he cannot give sufficient time to Persian and Arabic in order to go through his religious course. Therefore under the present conditions, so long as English is

1<sup>o</sup> August, 1933.] Mr. ABDULLAH YUSUF ALI, C.B.E., [Continued.  
 Sir MOHAMMED YAKUB, Kt., M.L.A., Mr. H. S. SUHRAWARDY, M.L.C.,  
 Dr. KHALIFA SHUJAUDDIN, LL.D., and Khan Sahib HAJI RASHID AHMAD.

the passport for getting into the Government services it is necessary that Urdu must be taught to the Muslim boys.

10,248. Can you point to any signs of an impending attack?—We have attacks every day even now. (Dr. *Khalifa Shujauddin*.) If I may say so, the attack is going on even now in the Punjab, and as a matter of fact certain definite proposals have been made before the Senate for excluding Arabic and Persian from the course of studies of the Punjab University, and also for minimising the use of Urdu by laying it down that henceforward Urdu shall not be the medium of instruction in the lower schools. That attack had not succeeded so far, but attempts have been made over and over again. I say so from personal knowledge.

(Sir *Mohammed Yakub*.) That is so in every Province. (Mr. *A. Yusuf Ali*.) Perhaps I may give you another instance. I was a Member of the Punjab University Committee which sat during the last cold weather, and the tendency of that Committee was to minimise the importance of the Muslim languages, and I had to write a note on the subject. It shows that it is a living question. (Sir *Mohammed Yakub*.) In the United Provinces also great attempts have been made to take Urdu off the curriculum of

studies. In fact, there was a very big agitation in the United Provinces in 1903 when the late Lord McDonnell tried to introduce Deonagri in the Province where Urdu was being used before.

10,249. Are examinations for any public services conducted in Urdu?—(Mr. *A. Yusuf Ali*.) The lower services, yes. (Khan Sahib *H. Rashid Ahmad*.) In fact, even in Bengal.

Sir *Hubert Carr*.

10,250. Did Sir Mohammed Yakub say that there was not time for a Muslim boy to learn Urdu and English?—(Sir *Mohammed Yakub*.) I said that Arabic and Persian require a very great deal of time if they try thoroughly to learn Arabic and Persian, and in order to get his religious education the Muslim boy had to confine himself to Urdu. If Urdu is also banned then there will be nothing for him in which to get instruction in his religion.

10,251. He will have time to learn English as well?—He must have time to learn English as well.

*Chairman*.] We are greatly obliged to you gentlemen for the manner in which you have given your evidence. Thank you very much.

(The Witnesses are directed to withdraw.)

(Ordered: that the Committee be adjourned to to-morrow at half-past Ten o'clock.)

DIE MERCURII, 2° AUGUSTI, 1933.

Present:

Marquess of Salisbury.  
 Marquess of Zetland  
 Marquess of Linlithgow.  
 Earl Peel.  
 Lord Ker (Marquess of Lothian).  
 Lord Irwin.  
 Lord Rankeillour.  
 Lord Hutchison of Montrose.  
 Major Attlee.  
 Mr. Butler.  
 Major Cadogan.

Sir Austen Chamberlain.  
 Mr. Cocks.  
 Sir Reginald Craddock.  
 Mr. Davidson.  
 Mr. Isaac Foot.  
 Sir Samuel Hoare  
 Sir Joseph Nall.  
 Lord Eustace Percy.  
 Miss Pickford.\*

The following Indian Delegates were also present —

## INDIAN STATES REPRESENTATIVES.

Rao Bahadur Sir Krishnama Chari.  
 Nawab Sir Liaquat Hayat-Khan.  
 Sir Akbar Hydari.

Sir Manubhai N. Mehta.  
 Mr. Y. Thombare.

## BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.  
 Sir Hubert Carr.  
 Mr. A. H. Ghuznavi.  
 Lt.-Col. Sir H. Gidney.  
 Sir Hari Singh Gour.  
 Mr. M. R. Jayaker.  
 Mr. N. M. Joshi.  
 Begum Shah Nawaz.

Sir A. P. Patro.  
 Sir Abdur Rahim  
 Sir Phiroze Sethna.  
 Dr. Shafa' at Ahmad Khan  
 Sardar Buta Singh.  
 Sir N. N. Sircar.  
 Sir Purshotamdas Thakurdas  
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Mr M. K. ACHARYA, Mr. L. M. DESHPANDE and Mr. J. L. BANNERJEE, are called in and examined as follows.

Chairman.

10,252. You gentlemen representing the All-India Varnashram Swarajya Sangha are good enough to attend this morning to give evidence. You hand in

a general Memorandum marked No. 72. Mr. J. L. Bannerjee hands in No. 68; Mr. M. K. Acharya hands in 65, 66 and 70, and Mr. Deshpande hands in No. 64. Is that correct?—(Mr. Acharya.) Yes; they are as follows:—

## MEMORANDUM 64. THE STATUS OF THE HINDU SANATAN DHARMA IN THE FUTURE INDIAN CONSTITUTION BY L. H. DESHPANDE.

"Does Time make Kings or King makes the Time?

*It has been proved beyond doubt that It is the King who makes the Time."*

1. The Secretary of the All-India Varnashrama Swarajya Sangha has already submitted a brief summary of the views of the Sangha in his letter to the Secretary of the Joint Committee on Indian Constitutional Reform. At the very

outset I beg to state that I am in full agreement with him.

2. It is true for all times that the King is not the creature of Time, but it is the King and those responsible persons around him who make the Times. It therefore follows that rulers and wise men should try to create an atmosphere which would be congenial to human society instead of they themselves becoming objects who could be swept away by

2<sup>o</sup> Augusti, 1933.]

[Continued.]

the current of times. Therein lies the greatness of great men. The sages of India have propounded this view from times immemorial. The Varnashrama Swarajya Sangha was founded in 1929 by those who believe in the aforesaid views.

3. One of the main objects of the Sangha is to promote in every way the Sanatana Dharma which is founded on the Shrutis, Smritis and Puranas and the time-honoured usages, and to protect it from all conceivable forms of aggression. The Sangha is painfully aware of the fact that these are indeed adverse times for the religiously-minded orthodox community. They had, therefore, first of all to ascertain whether there is a large bulk of Hindus who prefer to keep up the traditions of the ancient Aryan religion. Conferences were held at various places in the Bombay, Madras and Calcutta Presidencies and at Delhi since the Sangha came into being. The Sangha has nearly four hundred branches spread all over India and claims a large number of members, many of whom are persons of high educational standing and social position. The people who subscribe to the views and principles of the Sangha have firm faith in the Sanatana Dharma.

4. The Hindu religion, according to Oriental scholars like the late Lokmanya Tilak and Mr. Powagi, has been in existence for the last 8,000 years or more—the latest possible date of Rigveda. Great upheavals have taken place during this long stretch of time, upheavals about which History knows little. It is a well-known fact that Buddhism had almost entirely replaced the Hindu religion in India. In spite of all these shocks Hindu religion still survives, which abundantly proves its tenacity and the intrinsic merit of its philosophy. The Hindu religion is more of a spiritual nature and its philosophy has the power to comfort the mind which remains unsatisfied and restive even after the acquisition of all material prosperity. The Hindu religion is absolutely above doing harm to anyone. It does not hate anyone. On the contrary it endeavours to make people happy whatever their avocation in life. All these considerations weigh with the Sanatanists who form the large bulk of the masses. The Sanatanists are believers in the orthodox doctrines of the Hindu religion. Although the Sangha gathered such a large following their efforts for the furtherance of their cause fell short in as much as they were not invited to attend any of the three Round Table

Conferences; nor were they given a seat among the Indian Representatives who are called by the Joint Parliamentary Select Committee for consultation, and who are at present considering the proposals of the new Constitution. It will, therefore, be realised that the Sangha has to submit its evidence under greatly handicapped circumstances. We are, however, grateful to the Committee for giving us an opportunity to present our case.

5. The first and foremost point on which the Sangha desires to lay stress is that there should be absolute freedom of faith and religious practices to every citizen. The Sanatanists have been feeling this for a long time. How and why we shall presently state.

6. There is a powerful section among the Hindus who have successfully tried and are trying to usurp this freedom through enactments of Legislature. These attempts have undermined the age-long culture and religion. The Widow Remarriage Act can be cited as an excellent example in support of my contention. If impartially observed it must be admitted that but for a few exceptions the law has almost become a dead letter. Very few widow remarriages have taken place although the law has been in force for over forty years. The educated Reformers were not slow to understand the reasons of their failure. They found that the law was only permissive. The mistake was corrected at the time of the Sarda Act. This Act was therefore made mandatory. The Hindu Reformers had a good deal of influence with the Government and it was with the assistance of the latter that the Bill could be carried through the Legislature. Its passage through the Indian Legislative Assembly was a rude shock to the religiously-minded people and the Varnashrama Swarajya Sangha is the direct outcome of the Act. Marriage, according to the Hindu religion is a Samskar—sacred rite—and not a contract. Marriage is one of the essential principles of life of the four Varnas (Brahman, Kshatriya, Vaishya and Shudra) and the four Ashramas (Brahmacharya—celibacy, Grihasta—state of married life, Vanaprastha—living in forest, Sanyasa—ascetic life). The whole system of the Sanatana Dharma is based on the principles embodied in its marriage system. The fact that the marriageable age has been tampered with by the recent legislation naturally alarmed the Sanatanists about the future of their sacred religion and

2<sup>o</sup> August, 1933 ]

[Continued.]

filled their hearts with the fear of the possible disruption of Hindu society.

7. It has also been expressed by some that religion is no longer needed, and that if at all necessary there should be only one religion. In their opinion religion is at the root of disunity among the different peoples of India and that inter-communal marriages is the effective solution for it. There is an association called the Youth League of India who openly preach this view. The idea might be their own, or they might have been carried away by the thoughts of Western thinkers. In this connexion I quote from *India and the British* by Patricia Kendall, which will amply justify my statement.

"Nationalism is dependent upon the agglomeration of the particular units of a common territory into a cohesive whole. The predominant feature of the spirit and sentiment of nationalism is the conscious conviction of the common interest and common ideals. Crystallization of that conviction has developed in every nation of the world by the intermingling of peoples in society and the fusion of the divergent stocks by marriage. The very basis of nationalism is consolidation and conglomeration."

The same author writes:

"This greater physical power (Muslims) thirty per cent of the population instead of being used as an asset to increase the stamina of the weaker people, is the cause of dissensions and feuds. Hindus do not inbreed with the stronger elements because of religious and social statutes and antagonisms."

8. The Reformers think that these religious and social statutes are a great obstruction. They therefore seem determined to remove these obstructions with the help of legislation.

9. A question is usually asked why should the Sanatanists who claim a large majority of following, be afraid of legislative acts. The answer is that the Legislatures do not consist of Hindu entirely. And it is among the Hindus only that the Sanatanists have a large following. Scarcely fifty per cent of the members of the contemplated Federal Legislature will be Hindus and the Sanatanists do not pretend that they are in a position to secure all the Hindu seats. On the contrary, Reformers, from mostly among whom are recruited the politi-

cians, have a great hold over the rural population. And the rural population has been allotted a very large number of seats. The result is that the educated Reformers usually flood the Legislative Bodies. In spite of the staunch opposition of the Sanatanists bills are rushed through the Legislatures with the help of Muslim and other non-Hindu members. That is exactly what happened at the time of the Sarda Marriage Bill. For this reason the Sanatanists are rightly afraid of this power of the Legislatures.

10. Joint Co-parcenary System is the backbone of Hindu society. But the educated few are determined to smash the system. This is evidenced in the attempt they made in modifying the Act of Succession to the Property earned by learning. Even before the public could know what the purpose of these Bills was, they were passed into laws. These are the results, or some of the results, of the Montagu-Chelmsford Reforms.

11. There are Bills of like nature, even now, such as the Temple Entry Bill, before the Indian Legislature awaiting their fate. The Temple Entry Bill, if passed, will drive further the thin end of the wedge into the body-politic of Hindu community. None from among its ardent supporters, not even the mover, as I am told, have any faith in temple or God. Neither are the Untouchables for whose benefit the Bill is introduced, keen on it. The whole attempt is to ridicule the Sanatanists and force them into surrender. But the result has been otherwise. Those who would read the reports of the Conferences held at Gururwayur, Delhi and other places will find that advocates, judges, professors and many others who have received the benefit of modern education are rallying under the banner of the Sanatan Dharma.

12. The Reformers, it will appear from the review, however brief, are totally indifferent to the feelings of their co-religionists. For these reasons, among others, the Sanatanists want protection against encroachment upon their religious beliefs.

13. It must however be stated here that the zealous Reformer of to-day has, in many cases become a Sanatist tomorrow. Raja Ram Mohan Roy, the celebrated reformer of Bengal, founded a novel sect called the Brahmo Samaji, but even in that sect free marriages do not take place. The old restrictions of marriage are strictly observed in the Brahmo

2<sup>o</sup> Augusti, 1933.]

[Continued.]

Samaj. There are several instances where persons who were staunch reformers in their prime of life have turned Sanatanists in their declining age

14. H.E. the Viceroy of India stated in reply to a Deputation on 27th of February, 1933: "When the White Paper is published it will then be open to you, if you consider that this principle of non-interference has not been adequately recognized, to represent your views to the Joint Select Committee." It was understood from the above statement that the principal of non-interference would be embodied in the White Paper in one form or the other. A Committee of ten members was thereupon appointed at the Delhi Session of the Conference of the Sanatanists to study the White Paper. The Committee found that the White Paper made no such provision in its Proposals. The Department of Ecclesiastical Affairs is made a Reserved Subject. Proposal 11 of the White Paper runs thus.

"The Governor-General will himself direct and control the administrations of certain departments of State namely Defence, External Affairs and Ecclesiastical Affairs."

15. Thus the Governor-General retains full control over the Ecclesiastical Affairs. The object of the Government presumably is to keep the Ecclesiastical Department in their own hands. It will surely not be too much on the part of the Sanatanists if they claim a statutory guarantee to prevent interference by the Legislature.

16. This demand of freedom of faith is not a new one. The Royal Proclamation of Her Gracious Majesty the late Queen Victoria had completely endorsed this principle. It is to the credit of the Government that they by themselves have never attempted to tamper with our religious rites and beliefs. But at a time when the new Constitution is on the anvil, we desire to have the necessary safeguards vouchsafed to us in the Constitution, before it takes its final form. This demand is in full keeping with the spirit of the times. Even lately, on Herr Hitler becoming the Chancellor of Germany, the independence and Constitutional rights of the German Evangelical Church were solemnly guaranteed. It is the adhesion to this solemn guarantee which is of such vital importance to-day. Every State in the world has a right to control its ecclesiastical affairs. But the State rarely, if ever, has interfered with

those matters. The observance of the principle of non-interference in religious matters on the part of the Government has earned the respect of the people for their States in all countries. But our Reformers, who form the Legislatures, forget this salutary principle and indulge in disparaging the old Hindu tradition and religion and thereby cause great dissatisfaction against the Government. Surely this is not the right method of doing things.

17. Changes in the Constitution are always accompanied by guarantees for the freedom of faith. This was done at the time of the Royal Proclamation of 1858 on India. We are therefore entitled to demand such a guarantee proclaiming complete immunity from extraneous intervention as regards religious rites and observances.

18. We reply to the question as to how reforms are introduced in the Hindu religion whenever such are felt necessary by the people in the following manner—that there exists a "Vidwat Parishad" or a Council of Theologians whose duty it is to determine, with due regard to the Shrastras, the changes that should be made. And it is this body again which determines whether a particular measure affects the religious and social life or the institutions of the Hindu community.

I wish to conclude my remarks on this point in the words of the great Mahabharata.

*"Religion destroys those who try to  
destroy religion  
And protects those who protect it."*

#### FRANCHISE.

In the White Paper Proposals the franchise has been both lowered and widened. Right to vote has been conferred on persons belonging to certain communities, especially backward communities. Right to vote is also given to certain educational qualifications. We desire that the same privilege be accorded to persons who have passed various examinations of Sanskrit learning which are held from time to time in the Sanskrit Pathshalas of India. To increase the number of voters in India is, in our opinion, a desirable principle indeed. And we heartily support the recommendations of the Franchise Committee which are accepted by the Government.



2<sup>o</sup> August, 1933 ]

[Continued.]

## VILLAGE AUTONOMY.

Our Sangha is of the opinion that without the introduction of the Village-Autonomy-System (called the Grama Panchayat) responsibility at the Centre or in the Provinces will not prove to be of much value as both the Centre and the Provinces must derive their strength from the masses, who are essentially the residents of the rural districts and villages of India.

The common property of a village should be vested in the Village Panchayats which should function on traditional lines so as to make each village an autonomous unit. The collection of revenue, settlement of village disputes, maintenance of village charities and religious endowments, etc., should be fully entrusted to the Panchayats. Such a system would help to educate the masses in the management of affairs. It is a welcome sign that the attention of the Government and the Indian politicians is attracted to the problem of village uplift. I need scarcely observe in this connection that it is a problem which deserves serious attention.

## PROVINCIAL AUTONOMY.

As regards Provincial Autonomy, the Sangha is of opinion that there is an urgent necessity of a Second Chamber. A Second Chamber would help to check any hasty legislation and safeguard the higher educational, economic, cultural and religious interests of the community. Representation in the Second Chamber, we submit, should be given only to those who have substantial stake in the country. Already the White Paper has proposed a Second Chamber in the Provinces, United Provinces and Behar. As a matter of fact we feel its necessity in all the provinces which are called "the Governor's Provinces" in the White Paper. This will make the working of the Constitution stable and uniform. If Second Chambers are found desirable for the three above-mentioned Provinces, they should be found desirable for the rest of the provinces also. Even in a civilized and democratic country like England you have two Chambers. The Sangha therefore earnestly urges the introduction of the Second Chamber in all the Provinces.

## FEDERATION.

The proposals of Reform contained in the White Paper fall too short of the people's expectations in so far as the responsibility given at the Centre is to come into existence on the materialisation of two things, which by themselves appear to be formidable barriers. Only after "the Rulers of States representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber," consent to the scheme can the Federation take a definite shape. Even after a long period of two years the States do not seem to be determined to come into the Federation. The second essential condition is the successful working of the Reserve Bank. The present state of depression all over the world has made the task very difficult. We do not object to the coming of the Federation after a reasonable period, but that should not serve as a brake to withhold Responsibility at the Centre for an indefinite period. We desire that the Responsibility at the Centre should be given immediately. We are in favour of direct elections to both the Chambers.

## CONCLUSION.

In conclusion I suggest that the Governor's powers, as they are to-day by the Government of India Act of 1919, be retained. Those powers are quite capable of meeting any contingency. The amount of non-votable items should be fixed for every Province. Merit alone should make a person eligible for service in public offices. Necessary provision for safeguarding the interests of those who are already in services under covenants and conventions, should be made. Recruitment to the All-India Services should be done by the Ministers of the Central Legislature. Railway Board should be vested in the Central or Federal Government and the Reserve Bank should be under the control of the same Government. We once more emphasise the need of a statutory safeguard regarding the non-interference in religious or socio-religious rites and observances of all communities, especially the Hindus.

2<sup>o</sup> August, 1933.]

[Continued.]

## MEMORANDUM 65 ON BEHALF OF THE ALL-INDIA VARNASHRAM SWARAJYA SANGHA BY M. K. ACHARYA.

*All-India Varnashram Swarajya Sangha*—Sanatanist or Orthodox Hindus are deeply religious and conservative by nature; the vast bulk of them have till now kept out of all political agitation, as the same is against their traditions and culture. But the way in which the British Government during recent years have seemed to sympathise not only with the political ambitions but with the religious and social slogans which their own imperfect secular education has inculcated among thousands of middle-class Indians, and the way in which several of these Indians under plea of nationhood have been trying to destroy the Dharmic bedrock of Hindu Society—these have forced the Orthodox Hindus to organise themselves also in self-defence. This was how the All-India Varnashram Swarajya Sangha came to be started some four years ago, pledged to the attainment of Swaraj or Self-Government on truly Indian lines, on lines consistent with India's Dharmic ideals, with the supreme law of Unity in and through Diversity for which the Sanatana Dharma or the World's Eternal Religion stands. And because the Sangha has been working on Dharmic lines, under the guidance of recognised religious heads and men of learning, therefore the Sangha has now got as many as 400 branches in the various Provinces of India; and through Conferences held not only in capital cities, but in holy places where hundreds of thousands congregate on religious occasions, the Sangha has awakened the community at large to see that the latest enemies to their cherished religion and culture hail unfortunately from among their own heterodox countrymen.

*Hindus—Real and Nominal.*—Real Hindus are those who have unqualified faith in the religious and socio-religious injunctions contained in sacred books known collectively as *Shruti* and *Smriti*, which injunctions have been exemplified in the lives of God-seers in every generation, and are interpreted by leaders of recognised learning and authority. Of late, however, thousands of born Hindus have lost this faith; thousands have openly dissented, thousands have practically abandoned all religion. It is thus we have Brahmo Samajists, Arya Samajists, Prarthana Samajists, Theosophists, Gandhians, and a host of nondescript people who have no respect for the old dis-

ciplinary regulations, who contract "Civil Marriages," and so on. These may be called Heterodox or Dissenting Hindus. The cleavage between these and the Orthodox or Sanatanist Hindus is widening every day, and relates, as we shall presently indicate, both to general outlook in life and to differences in religious, social and political ideals. Speaking generally, the Dissenters have no faith in the Varnashrama Dharma, or the socio-religious institutions of Hinduism; they want, in fact, to destroy the Hindu Caste system by any means in their power. The bulk of these, again, are English-educated; and many of them live in European style, while the bulk of Sanatanist Hindus do not know English, and stick to their old ways and habits. Europeans in India, however, whether on account of their totally different culture, or on account of their official or business obsessions, have regarded all Indians as Hindus who are not Muslims, or Christians, or Sikhs, or Parsis. Some of them, like Lord Meston, have verily committed the terrible blunder of ascribing to the Hindus in general, and to the Brahmans in particular, the credit or discredit for all the political agitation in India, not knowing that the bulk of Sanatanist Hindus till recently have taken no interest in politics at all. It is no doubt very difficult for the average Britisher to distinguish nominal from real Hindus. The following rough test may be suggested. All those who want to abolish all Caste distinctions, who have no scruples against inter-dining or intermarrying with any people they like, irrespective of community, caste, or creed, all those who not merely seek to improve the social or economical condition of the depressed classes by constructive methods, but are for admitting even cow-killers and carrion-eaters, and liquor-mongers into the Temples of Caste Hindus, as recommended by the Temple Entry Bill now before the Central Legislature in India—all these, whatever their claims to honesty of conviction, are only nominal Hindus from whom verily the orthodox majority would seek protection at the hands of the British Government.

*Radical Differences*—The average Britisher may find no little difficulty in sympathising with the fears of the majority. It is therefore necessary to point out how the views of the majority

2<sup>o</sup> August, 1933 ]

[Continued.]

differ from those of the minority radically in the following respects: (a) *Religious*: The majority loyally accept the fundamentals of Sanatana Dharma as handed through the ages; they attach great importance to the performance of their *niya* and *namittika* karmas, or purificatory ceremonials prescribed both for everyday life, and on occasions like birth, marriage or death, they want to follow as strictly as possible the disciplinary regulations regarding modes of worship, whether individual or group, whether at home or in temples. The Dissenters, on the other hand, do not accept the traditional interpretation of the Sanatana Dharma, and would either interpret it in their own way, or else get rid of all religious restrictions that in their view "divide man from man." Secondly, the Sanatanists, while agreeable to peaceful persuasion or even conversion, are against any forcible changes through legislation, but the Dissenters, being generally weak in their logic, would fain employ the arm of the law against all practices they dislike. (b) *Social*. According to the Sanatanists, birth is not a mere accident; every man is born in that family, community or environment with which in past lives he has contracted *karmic* relations, and from which he has to progress in his present life as fast as he may; and in order to make that progress orderly and beneficial he must, as far as possible, conform to the disciplinary rules, or dharma, of his environment—with regard to the food he takes, the company he keeps, the trade he follows, the alliances he contracts, the worship he performs. This is the rationale of Varnashrama Dharma designed by God-seers for the orderly, functional integration of individual as well as group-life. The Dissenters, on the other hand, rebel against all these disciplinary restrictions, they are advocates of "freedom"—of promiscuous eating, and mating and living! Wherefore, while Sanatanists try to adjust themselves slowly to changing conditions of time, place and environment, the Dissenters want forcibly to break down all distinctions of caste or creed, in the holy name of "Freedom" they would fain pass laws imposing their own rule upon all! (c) *Political*. According to the Sanatanists the King should be the upholder of Dharma, and should receive the loyal co-operation of his subjects in so upholding. Hindu India was of old divided into a number of States—56 according to tradition—and the King and his Ministers in

each State were expected to be in close personal touch with the people. For administrative purposes the village was the unit, and each village, under its own chosen *Panchayat* administering all the village affairs, was, and long continued to be, a tiny republic, as eloquently described by Mountstuart Elphinstone of Bombay, and Sir Thomas Munro of Madras. All this, however, is of the past. With regard to present-day politics, Sanatanist leaders do not regard Western "Democracy" as either high or efficient, they view with alarm how democracy is yielding place to dictatorship in no few Western Countries, how even in India the Congress which was long intended to be a democratic organisation has now come under an one man's dictatorship. Lastly, Sanatanists do not believe that the mere extension of the Franchise, or even Adult Suffrage will vest any real power in the hands of the people at large, especially in a country like India, where the bulk of the people are very illiterate, and cannot understand any problems outside their own rural and communal environments. The Dissenters, however, have a great glamour for Western Democracy, for the "Dominion form of Government," for "Provincial Autonomy and Central Responsibility," for Adult Suffrage and other exploded political myths!

*Injustice done to the Sanatanist Majority.*—It is impossible to state accurately what the numerical strength of the dissenting Hindus is, for they are not shown separately in the Census or any other Report. On the most liberal calculation they cannot be more than five millions, or between three and four per cent. of the total population; for even among the Depressed Classes—the "Scheduled Castes" of the White Paper—99 per cent. follow the old ways and have no sympathy with the Reformers. The Dissenters, however, in spite of their numerical weakness, on account of their English education, on account of the high professional qualifications and wealth of some of their leaders, on account of their quick adaptation to European ways, on account of their up-to-date methods of propaganda both in the Press and on the platform, on account of the fact that their agitation has been going on all these fifty years and more—on account of all this have secured great influence with Government, besides preponderating in the various legislatures. That was how they got Lord Irwin's Government to support

2<sup>o</sup> August, 1933.]

[Continued.]

them with the full "official block" of votes in favour of the Child Marriage Restraint (Sarada Act) of 1929 in the teeth of the opposition of orthodox Hindus and Muslims alike. It was by the leaders almost entirely of these Dissenters that the notorious Poona Pact of last year was concluded on the odd logic of Mr. Gandhi's life in danger! It is by leaders from among these Dissenters that the Temple Entry Bill, the Removal of Untouchability, and so on, are sought to be introduced, less to help the "Untouchables"—for very few of them want these measures—more to harm the Sanatanists! Lastly, with the solitary exception of the Maharaja of Darbhanga, there has not been a single representative of the Sanatanist majority, whether on the R.T.C.s, or on the Joint Committee; and this despite the fact that the All-India Varnashrama Swarajya Sangha through two deputations to H.E. the Viceroy—one in September, 1932, the other in February, 1933—made it clear that they were speaking on behalf of the orthodox Hindu majority; and the Viceroy himself admitted in the course of his reply to the deputation in February last. "On many important points you have your own views." We can only attribute it to our misfortune that a Government which has been anxious to ascertain beforehand the opinions and wishes of even very many small minorities, did such scant justice to over 150 millions of His Majesty's subjects. Evidently they were not aware of the cleavage in thought and ideals that had arisen between nominal and real Hindus.

*Demands of the Sanatanist Majority.*—The All-India Varnashrama Swarajya Sangha have submitted through its two deputations, as already stated, its general protest against responsible Government on Western models, as being unsuited to Indian conditions. The Sanatanist majority strongly feel that without at least certain vital safeguards in the White Paper scheme, the recommendations contained therein may do more harm than good to the people at large of India.

*A.—Problem of Depressed Classes.*—Before enumerating the safeguards required, we desire to give the lie direct to one terrible scandal that our enemies seem to have circulated in Britain against us as age-long tyrants who are still opposed to any proposal to give the most elementary human rights to the so-called Depressed Classes. Every word of this statement is false. We are anxious to do

everything we can to improve the condition of the Depressed Classes on sound, constructive lines; we are only opposed to the destructive propaganda of Mr. Gandhi, and the superficial methods of cheap politicians. It is upon its merits we condemn the Poona Pact, or the Temple Entry Bill. Likewise we must frankly state that the so-called political concessions granted to the "Scheduled Castes" in the White Paper may benefit a handful of vocal leaders among them in every Province, but will in no way help to remove the hunger and want of the masses at large. The Sanatanist majority, whose daily lives are cast in the closest proximity with the Depressed Classes, know their wants better, and are ready to do all they can to help these unfortunate countrymen of theirs. The Depressed Classes themselves, in the rural areas, know this well; and, therefore, follow the Caste Hindus in declining to be misled by the vocal reformers. Lastly, the problem of the Depressed Classes can never be solved satisfactorily until rural autonomy comes to be established all over India.

*B.—Religious Neutrality.*—(1) It is unfortunate that the Queen's Proclamation, which Indians of three generations had considered as their *Magna Carta*, has now become a "scrap of paper" even to British statesmen. We strongly urge that the relevant clauses of that cherished document which declared "equal opportunity" to all, and strict religious neutrality on pain of the Queen's "highest" displeasure, be reproduced in statutory form.

(2) We claim this on the very strong ground that the Indian Legislature can make no laws "affecting the Authority of Parliament" or "any part of the *unwritten laws* . . . whereon may depend the allegiance of any person to the Crown." The right to religious freedom and right to property are an essential part of these "*unwritten laws*," as declared in 29 Madras 1085, 40 P.C. On this ground the Child Marriage Restraint Act of 1929, which denies to an orthodox Hindu father the right to get the marriage sacrament of his daughter administered according to his religious tenets, namely, before she attains puberty, will, we hope, be deemed *ultra vires* by the Privy Council on the very first occasion when a case under that Act goes up before it.

(3) To cite another instance, the Temple Entry Bill now before the Central Legis-

2<sup>o</sup> August, 1933.]

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lature seeks to knock down all established canons of law relating to religious and charitable trusts. Temples are in law "religious trusts," often with "charitable trusts attached to them." "Any extension or limitation of a trust so as to exclude those who were intended to be included, or include those who were intended to be excluded, is really a breach, a serious breach of trust" (I.L.R. 33 Bombay, page 509); and "no amount of consent on the part of the public can justify a breach of trust" (I.L.R. 20 Madras, page 398). And yet it is such a serious and unjustifiable "breach of trust" that the Temple Entry Bill wants the Indian Legislature to commit, by enacting that with the consent of some fancied public the Untouchables who were originally excluded from the benefits of the Temple trusts should now be included! So, too, with regard to the charities included in the Temple trusts, the well-established principle of law seems to be that "a majority cannot control a minority" (*Tudor on Charitable Trusts*, pages 4 to 10). How was a Bill abounding in such huge illegalities allowed to go up before the Legislature? Was it not mainly to placate the vociferous Reformers? In the light of these experiences have the injured majority no cause to demand adequate statutory protection?

(4) It will not suffice to require "the previous sanction" of the Governor-General to the introduction of such measures. No British statesman who goes to India as Governor-General can be expected to be familiar with all the intricacies of the religious beliefs and claims of contending parties in India; and no Minister chosen by him on general grounds can be expected to be familiar with all the intricacies of law-points that may be involved. Indeed, as the irony of Fate would have it, it was verily an ex-Minister and most learned Doctor of Laws of Madras, that at the bidding of Mr. Gandhi forgot all his laws, and adjured all his "responsibility" to his electors, and gave notice of the self-same Bill that under the Governor-General's decision had to be literally transported from Madras to Delhi!

(5) Indeed we should urge, not only that there should be no legislative interference in the religious or socio-religious rites and usages of any community, but also that every community, sub-community or individual even, so long as it, or he, does not violate any law of the land, should receive every protection from

Government in the practice of its or his religion. In other words, all activities that directly or indirectly tend to excite mass fury against any religious institution or usage of law-abiding people should be sternly put down—e.g., exciting a crowd to what is called, or rather mis-called, "Satyagraha" against a temple. Wherefore, in Provincial autonomy, there must be ample safeguard for enforcing law and order, especially in times of religious excitement; and this, if not actually by "reserving" "law and order," at least by vesting in the Governor sufficient power to enforce law and order in all emergencies on his own responsibility.

C. *Constitutional Brakes*.—(1) There is a great conflict of cultures at present going on in India, and as already explained, a very vocal and influential, though small, minority wants to ride rough-shod on the cherished ideals of the majority. (2) In view of the huge Provincial areas, and diversity of interests therein that have a claim for protection, it is surprising how a single Legislative Chamber is recommended in the White Paper for the majority of Indian Provinces. The theoretical democracy of Indian leaders, perhaps, accounts for this. (3) Be this as it may, we are strongly of opinion that a Second Chamber is indispensable in every Province from the outset, verily in order to act as a brake on the hasty decisions of theoretical democrats in the Lower House. In this Second Chamber there must be representatives of the landed and commercial interests, of men of learning, both Eastern and Western, of all important arts and crafts, and also of all important religions and sects—for these, too, have large worldly properties and interests to be protected. (4) In the White Paper, taking, for instance, the Single Chamber recommended for Madras with a population of 45.6 millions, out of 215 seats proposed there is but *one single seat* allotted to the *three* Universities in the Province, and only six seats to Landowners, and only six to Commerce and Industry, and *none* at all for any Religion! Will the above 13 be able to exercise any sobering influence on what may often seem to them the blind fury of the remaining 202? (5) Even in modern England, where people are far more politically-minded, where a tenth of the diversities and clashes does not exist that prevail in India, an Upper Chamber of Lords Spiritual and Temporal is

2<sup>o</sup> Augusti, 1933.]

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continued, and is evidently rendering no small national service, especially by way of restraining England from democracy of the Continental type. How can a Second Chamber be a superfluity in Madras or Bombay?

D. *Basic Foundations*—(1) The great C. R. Das, than whom modern India has produced no stauncher patriot or greater political thinker, declared, as President of the Gaya Congress in December, 1922. "If to-day the British Parliament grants Provincial Autonomy together with responsibility in the Centre, I for one will protest against it. For it will inevitably lead to the concentration of all power in the hands of the middle class. I do not believe the middle class will then part with their power. How will it profit India if in place of the white bureaucracy that now rules over her there is substituted an Indian bureaucracy of the middle class?" Surely there must have been some few Indians at least on the R.T.C.S. who had probably heard these words as they fell from Das's inspired lips. How is it then that all of them seem to have demanded only the Provincial Autonomy together with Central Responsibility, or the substitution of a brown in place of the white bureaucracy, that Das had protested against? How short the memories of men are, especially of politicians! (2) British statesmen seem to think that extended Franchise, tending to Adult Franchise, would vest real and effective political power in the hands of the masses. This theory is getting exploded even in Western Countries. In India, where the masses are hopelessly illiterate, where communal passions sway over national considerations even in the

minds of educated people—as evidenced by the demand for separate electorates, reservation of seats, representation even in the services on a communal basis. How much good then will result from the extension of the Franchise, whether it may not lead to demoralisation, the future alone can decide. Nevertheless, the Secretary of State, speaking on the White Paper, declared in the House of Commons that under his new scheme he would be giving to the 230 millions of agriculturists "a chance to make their voice heard in every single matter affecting them from day to day and from year to year"! Does his scheme provide for the elected representatives meeting their electors even once a year, and ascertaining their views on any important matter? How the poet's fancy soared over the politician's facts! (3) Even the distinguished authors of the "Montford" Report were conscious that they were not laying the foundations deep, they admitted that such foundations could be laid only in the spheres of local Self-Government. "Responsible Government" wrote they "will not be stably rooted until they become broad-based, and far-sighted Indians will find no field in which their energies can be more profitably thrown than in developing the boroughs and communes of the Country" And so, "Local Self-Government" has been a "transferred subject" in charge of an Indian Minister in every Province since 1921. Has one single fully autonomous village Panchayat been established anywhere in India during the past twelve years? (4) The following figures will show how the bulk of the people in India live in rural areas, and what little local Self-Government there is to benefit them.

1921—

No. of Towns .. 2,131 ...	Population 29.8 mil ...	No. of Municipalities 749
No. of Villages 497,911 ...	Population 217 mil. ..	No. of Village Unions 9,747

1931—

No. of Towns. .	...	Population 29.6 mil. ..
No. of Villages	...	Population 241.8 mil .

The reason for the colossal indifference to Rural Autonomy disclosed by these figures is simple. Educated Indians find no scope for their energies in their "boroughs and communes." (5) The conclusion is plain. Rural Autonomy will never come to be developed unless in the Constitution it is made the basis of Provincial Autonomy and Central Responsibility; that is, to say, unless the

Franchise to the Provincial and Central Legislatures is founded on the Village Panchayats. The members of these Panchayats may be elected broadly on "Adult Suffrage," and vested with full powers of autonomy in administering the village affairs, subject, of course, to necessary guidance and control from above. (6) The problem is huge, very huge; but quite vital to any scheme of

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real Self-Government for India. The authors of the White Paper do not seem to be even conscious of this, their scheme will therefore not bring any Self-Government to the Indian masses. A scheme radically sounder will have to be evolved. (7) Yes, it is for India to discover the key to true Swaraj or as Das prophetic-

ally declared "it is for India to show the light to the world—Swaraj by non-violence, and Swaraj by the people," Swaraj by the realisation of the "Divinity deep seated in the heart of all beings." This is "the far-off divine event towards which the whole creation moves." Aum! tat sat!! Aum!!

## MEMORANDUM 66. SUPPLEMENTARY NOTES ON INDIAN CONSTITUTIONAL REFORMS BY M. K. ACHARYA.

### I.—*Religious Neutrality.*

In support of the statement contained in Note (3) under the above heading in the printed memorandum already submitted, to the effect that the Orthodox majority fear that the Minority leaders after getting elected to the legislatures through purely worldly qualifications, and on purely secular issues, would afterwards abuse their powers and interfere in religious matters affecting the majority—in support of this statement, I beg to refer the Committee to the report of a communication from Sir Tej Bahadur Sapru to Mr. Gandhi, published in the *Statesman* of 24th February, 1933, in which the former not only expresses his sympathy with the movement for the admission of Untouchables into the Temples of Caste Hindus, but declares that the Legislature is the proper channel for forcing such "reforms" on the unwilling majority. Thus "I have not the same horror of compulsion in a matter of this character as some others have. I have been for a long time aware of the line of criticism

. . . that social and religious reforms must be a matter of persuasion and not legislation. On principle I disagree with this view." In the light of such a frank declaration, will the British Parliament be justified in giving to the militant heterodox leaders power through the legislatures to interfere in the cherished religious beliefs and institutions of any community?

### II—*Basic Foundations of Responsible Government.*

A. PROVINCIAL AUTONOMY—Even as the great C. R. Das had protested against the cheap notion that the mere substitution of Indian Ministers nominally responsible to an elected Legislature cannot mean Swaraj, even so the Congress had long complained against the artificial, heterogeneous, unwieldy and lifeless character

of existing Provincial areas and administrations, and had demanded the redistribution of Provinces on a linguistic or other rational basis. For example, Bombay has an area of 151,637 square miles—five times that of Scotland, or three times that of England—and is made of four Provinces really, namely, Sind, Guzerat, Maharashtra, and Karnatak, differing very widely in physical features and climate, and in the languages, and economic and social life of the peoples. Only Sind—and that to meet the wishes of certain All-India Muslim leaders—is going to be divided from the rest of Bombay; how do the rest form one homogeneous whole? In Madras with an area again of nearly three times that of England, with a population of 47 millions speaking at least five different languages, the physical, climatic, and economic diversities are quite appalling. How can an Educational or Agricultural or Health Minister hailing, like Sir A. P. Patro, from one of the northernmost Telegu Districts, be humanly expected to be in personal touch with the educational or agricultural or sanitary requirements of a Tamil District or a Malayalam District 1,000 or 1,200 miles away from his home? The Central Provinces again with an area of 121,191 square miles—two and a half times that of England—is made up of two distinct parts, Marathi and Hindi. The "U.P." was, till 80 or 100 years back, made of four, if not five, separate States. Similarly every major Province in British India is a huge, artificial, wooden "antediluvian" anomaly. And yet among the many delegates to the R.T.C.s who thundered eloquently about immediate and full Provincial Autonomy, and Central Responsibility and all-India Federation, even among the great Congress leaders who attended the second R.T.C., how was it that none seems to have pressed for a general redistribution



2<sup>o</sup> August, 1933.]

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of the existing unwieldy, anomalous Provinces into less unwieldy and more homogeneous ones?

The White Paper Scheme keeps up in the main the existing Provincial areas, and only provides (1) for an *experimental* lowering of the franchise, (2) for a *mere numerical increase* in the strength of Provincial Legislatures, and (3) for a *mere mechanical substitution* in the place of the present combination of Ministers and Executive Councillors a band entirely of Ministers—without any change in the unwieldy red-tapism of the Departments under each. How can this mere change in the personnel of the machine-drives lead to any real Provincial Autonomy? Such change can only lead to deterioration in the efficiency of administration, and to increase in its cost which must fall on the heads of the poor people at large.

#### B. A RATIONAL SCHEME OF SWARAJ:—

(1) *Rural Autonomy*.—Only that Democracy can be real that is based upon “neighbourhood consciousness” in any given area. The Village in India is the lowest administrative unit of such “integrated neighbourhood.” Wherefore complete Rural Autonomy, that is, the vesting in a Village Panchayat elected—not necessarily through the beastly ballot box—but in a general way by all the adults in the Village—must be placed in charge of the administration of all the common properties and common concerns of the Village, whether agricultural or educational, or economic, or charitable or religious, subject to general supervision, advice and control of the District Officers. This must be made the basis of Swaraj or Responsible Government in India. *There is at present not a single Village Panchayat* of this description anywhere in India; although according to the 1921 Census returns there were no less than 135,000 Villages with a population in each ranging from 500 to 5,000, and with a total population of 147 millions, in every one of which an autonomous Village Panchayat, if Government so desire, can be established in less than six months. Likewise by grouping together Villages with less than 500 people in each, another 100,000 Panchayats can be set up in a year or two—if attempted with faith and determination. Such widespread Rural Autonomy alone can vest any real political power in the hands of the rural millions.

(2) *District Autonomy*.—This if built on Rural Autonomy will greatly improve the District administration, and reduce the present red-tapism and expenditure.

(3) *Provincial Autonomy*.—Speaking generally—for no artificial uniformity should be enforced—the area of no Indian Province should be more than 50,000 miles—that is the area, roughly, of England, or one and a half times the area of Austria, thrice the area of Denmark or five times the area of Belgium, and each Province must, *as far as possible*, possess linguistic unity, and also if possible unity of economic and other interests. In such homogeneous Provinces, with a Governor in each drawing not more than Rs. 6,000 per month, with Ministers drawing not more than Rs. 1,000 per month—as I hear they do in Ceylon—with a Lower House of 100 to 120 members, and an Upper House—not a mere replica of the Lower—of 50 to 60 members, Provincial autonomy ought to be introduced, if indeed it should be a reality, and be beneficial to people at large. The increased expenditure through such redistribution will be comparatively little, and will be amply justified by the results.

(4) *All-India Federation*.—Only such truly autonomous Provinces—not the painted dolls of the White Paper—together with Indian States in which the Rulers and the ruled are harmoniously integrated, should form the ideal All-India Federation. In any case, whether the Central Government be Unitary or Federal, it must be responsible for the military defence, and the orderly progress and development—economic, mental and moral—of India as a whole. It will be the path of wisdom to start with the foundations at once, and to build slowly but surely and unerringly towards the ultimate goal of Swaraj or Self-Government—individual, communal, national, international. Among the many talented Indian leaders who have been the trusted advisers of His Majesty's Government, why has none put forward before British statesmen any logical, constructive scheme of Swaraj or Responsible Government for India adapted to Indian diversities on the one hand, and to world conditions on the other, which will truly benefit both India and England and indeed the world at large? Is it too late to think of any such sound scheme in the interests of all concerned?

2<sup>o</sup> August, 1933.]

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## MEMORANDUM 68. BY JITENDRALAL BANNERJEE, M.A., B.L., M.L.C., ON BEHALF OF THE BENGAL BRANCH OF THE VARNASRAMA SWARAJYA SANGHA.

*Brief account of the Witness.*

I am a Professor of English Literature in the Vidyasagar College, Calcutta, and an advocate of the Calcutta High Court.

Since 1926 I have been a Member of the Bengal Legislative Council—where I was elected the first time on the Congress ticket and the second time in opposition to the Congress. I was formerly actively connected with the Congress, was a member of the All-India Congress Committee and President for some time of the Bengal Provincial Congress Committee; but since 1929 I have differed from the Congress upon the issue of Civil Disobedience.

*The Varnasrama Swarajya Sangha; its representative character and the necessity for its inception.*

I have been deputed to give evidence on behalf of the Bengal (Provincial) branch of the *Varnasrama Swarajya Sangha*. The *Sangha*, which has been in existence since 1929, claims to represent the vast mass of the *Varnasrama* or orthodox Hindu population of India, and as the Hindus constitute three-fourths of the total population of the country it may be quite legitimately claimed that the *Varnasrama Swarajya Sangha* represents a vaster numerical mass than any other political organisation in India. With reference to the objection that the *Sangha* is a body of quite recent origin, I should like to offer a few observations. It may be conceded at once that, up to within a very short time, the Hindus of India, *quâ Hindus*, had taken little active share in the political movements of the country. Two main causes may be regarded as responsible for this comparative apathy of theirs

meddling with questions of religion and social polity and had confined themselves wholly to the task of political enfranchisement.

The orthodox Hindu population of India had, therefore, been lulled into a sense of security and had no reason to apprehend that any blow would be directed against matters of vital and supreme concern to themselves. But this sense of security has been rudely shattered within the comparatively short period of the last ten years. The Congress, cut off from its old moorings and captured by the blind and unreasoning followers of Mahatma Gandhi, has given countenance in an increasing measure to schemes of social and religious reform—schemes, not based upon any comprehensive view of social polity nor framed with any adequate reference to the genius, past history or real needs of the people but improvised from time to time to satisfy the passing whims of the leader of the hour. The Government also have been active parties in passing measures of legislation which were in direct violation of the pledges they had previously given and observed. This was so in the case of the Special Marriage Act of 1923, the Act raising the Age of Consent in 1925, and, specially and notably, the Sarda Act of 1929. The merits or demerits of these Acts are not now in question; I mention them only as proof that the Government are no longer in a position to afford to the Hindus that protection in the strict observance of their religious usages and practices which they had previously given. It has become incumbent upon the Hindus, therefore, to gird up their loins and to organise themselves politically, if only for the purpose of safeguarding their cherished freedom in matters of religious faith, practice and usage.

*Demands of the Sangha.*

## I.

## (A POLICY OF ABSOLUTE LEGISLATIVE NON-INTERFERENCE IN MATTERS OF RELIGION.)

In consonance with what has been said above, the first and foremost demand of the *Sangha* is that the Indian Legislative Councils of the future (whether at the centre or in the Provinces) shall be absolutely debarred from interfering with any question affecting the religious

(1) The British Government of India had given repeated and specific assurances to the people of the country that they would be left free and unmolested in the pursuit of their religion and the development of their religious institutions; and in spite of occasional, very occasional, aberrations, these pledges had been strictly and honourably fulfilled.

(2) Again, the chief political organisations of the country—and notably the Indian National Congress—had carefully held aloof from

2<sup>d</sup> August, 1933.]

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faith, practice, usage or institution of the Hindus \* This debairment should be positive, absolute and permanent, and in making this claim we fortify ourselves by the following, among other, considerations —

(a) Absolute non-interference in religion has been the policy of the British Government in India ever since the days of the East India Company: it is this policy, more than anything else, which has contributed to the stability and duration of British rule; and we want a guarantee for the maintenance of this policy, whatever the future form of the Government may be.

(b) Successive British sovereigns have given solemn pledges to the people of the country, reaffirming the Government's policy of religious non-interference; and we do not want that any cloud of distrust or suspicion should gather upon and impair the value of such pledges.

(c) Advanced political theory demands that the State should be regarded wholly as a secular institution and should have no power to meddle with matters of religion.

(d) The legislative councils of India are bound to be of a heterogeneous character and it is undesirable that people of an alien faith and alien modes of thought should interfere in the religious faith or practices of members of other communities.

## II.

### (RURAL AUTONOMY.)

Without entering into a detailed examination of the political structure adumbrated in the White Paper—viz., a federal constitution for India based upon a system of autonomous Provinces and States—I should point out that the foundation of the whole structure should be in a complete and comprehensive scheme of rural autonomy. The mere extension of the franchise is nothing, and so far as the Provincial and Central Legislatures are concerned, the franchise cannot be extended to any degree without making the whole thing cumbrous, unwieldy and unmanageable. But the people must (first) be trained in the

We make this demand naturally enough on behalf of the Hindus but we shall have no objection if the same proposition is claimed by or afforded to members of any other community.

exercise of the franchise in the rural assemblies and with reference to the management of affairs which are of direct and immediate concern to themselves. Only thus can the franchise be a reality to them; and only in this way can they—directly or through their chosen representatives—come to form the electorates of the future.

## III.

### (THE QUESTION OF SECOND CHAMBERS.)

On this point I am at variance with the other members of the deputation. I am definitely of opinion that a Second Chamber in the provinces will be worse than useless—it will only be a source of expense, irritation, and possible constitutional deadlock—if, as seems likely, these Second Chambers are a mere replica of the Lower House with its vicious and objectionable feature of communal representation. If there is to be a Second Chamber at all in the Provinces—about the necessity for which I am very sceptical—it should be so constituted as to form a real House of Elders. The franchise should be different, the electorates should be different, and the vicious canker of communal representation should be absent altogether.

## IV.

### (COMMUNAL REPRESENTATION.)

In a democratic and progressive State such as India aspires to be, representation based upon communal considerations—in fact, upon any consideration except the necessary franchise qualification—is an evil and an anomaly, and as such ought to be done away with altogether. But if for reasons (which we are unable to appreciate) communal representation is thought to be inevitable, it should—both in the Provinces and at the centre—be upon a strict basis of population, with liberty for the protected minority to contest additional seats as well.

## V.

### (RESERVATION OF SEATS FOR THE DEPRESSED CLASSES.)

Bad as communal representation undoubtedly is, the splitting up of the Hindu community (by the political segregation of the so-called Depressed Classes from the so-called Caste-Hindus and by the reservation of a certain number of seats to be solely contested by the former) would be something still worse. And in this connection the

2<sup>o</sup> August, 1933.]

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*Sangha* enters its emphatic protest against the British Government's acceptance of the Agreement, generally known as the Poona Pact, which was concluded in September last between certain leaders of the Depressed Classes on the one hand and certain followers of Mahatma Gandhi on the other. The British Government were bound by the terms of their original Award (dated the 4th August, 1932) not to vary their recommendations except upon the mutual agreement of the parties affected. This mutual agreement was never forthcoming: the orthodox Hindus as a body were no parties to the Poona Pact—their opinion was never asked and never taken; and, in these circumstances, we can justifiably urge that the Poona Pact does not fulfil the conditions for a substituted agreement laid down in the original Award, and as such ought not to be given effect to.

## VI.

## (BENGAL AND THE POONA PACT.)

While upon the subject of the Poona Pact, I am bound—as representative of the Bengal branch of the *Sangha*—to draw pointed attention to the great injustice which the Pact has done to the Hindu community of Bengal. The Bengalee Hindus are indeed the victims of a two-fold injustice. They were unjustly treated in the British Government's original Award, and that injustice has been sought to be heightened and perpetuated by the Poona Pact.

Our grievance against the Communal Award may be thus indicated:—

(1) The Award is vitiated, *ab initio*, by the excessive and enormously disproportionate representation granted to the Europeans and in a lesser degree to the Anglo-Indians. The Europeans form .04 per cent. of the population, they have been granted a representation of 10 per cent. of the Legislature. The disparity is so enormous that no consideration of political or commercial importance can possibly justify it. The political importance of the Europeans, such as it is, extends all over India and is not confined to Bengal; and, as for commercial importance, the English have large commercial interests in Bombay also and yet do not there enjoy that disproportionate share of political representation which has been given to them in Bengal.

(2) The excessive representation given to the Europeans has naturally reacted upon the representation given to the Hindus and Mahomedans; but this reaction has been even more unfavourable in the case of the Hindus than of the Mahomedans.

Thus, out of the 219 seats available to Hindus and Mahomedans in the proposed Bengal Legislative Assembly, the Mahomedans will get  $119 + 6^*$  (from the Special constituencies) = 125, or just 50 per cent. of the whole house. This is 4 per cent. less than their proportion in the population; but the Hindus will get  $79 + 14 = 93$ , or 37 per cent. of the whole House, which is 7 per cent. less than theirs

(3) The Hindus form a minority of 44.8 per cent. of the population of Bengal as against 54.8 per cent. of Mahomedans. But in every other respect—in point of wealth, education or contribution to the Exchequer—their superiority is undoubted and incontestable. And yet, so far from being given any compensation (or weightage) on account of this superiority, the scheme of representation has been so arranged that their minority in the population will be accentuated still further in their representation on the Legislature.

Starting with this initial handicap, the Hindus of Bengal have been sought to be penalised still further by the scheme of representation proposed by the Poona Pact—against which our objections may be thus summarised:—

(1) The Bengalee Hindus were utterly unrepresented at the time of the Poona Pact. Not a single Bengalee Hindu of name, note or position took part in the negotiations leading on to the Pact or was a signatory to the Pact itself.

(2) So far from the Bengalee Hindus having acquiesced in the Pact, they have—throughout and persistently—recorded their protest against it—in public meetings, by telegrams to the Prime Minister, and, lastly, by a resolution adopted in the Bengal Legislative Council.

(3) The Poona Pact, in so far as it has been accepted by the British Government, deals with the distribu-

\* This is the minimum; in actual practice it is likely to be more.

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[Continued.]

tion of seats in the various Provincial Legislative Councils. This, it will be readily conceded, is a provincial and not an All-India matter and has primarily to be decided by agreement between the different parties in the Provinces themselves. And since the Bengalese Hindus have never been a consenting party to the provisions of the Pact, how can it be said that there has been such a "mutual agreement between the parties affected" as can entitle the British Government to modify its original Award?

(4) If we apply the criteria which Government itself has suggested from time to time and which were adopted in the report of the Franchise Committee, we shall find that there are practically no Depressed Classes in Bengal—a fact which has been admitted in the official report of the last census operations.

(5) Granting that there are a handful of Depressed Classes in Bengal, their number would not exceed a million; and the reservation of 30 seats for this comparatively small number would not only be unjust and inequitable, it would be a fatal political blunder. It would cripple the Hindu community as a body and would deprive them of their legitimate share of authority and influence in the future legislature of the Province.

I may conclude my observations on this part of the subject with the remark that to regard the Depressed Classes as one entire and homogeneous unit *vis-à-vis* the Caste Hindus forming another entire and homogeneous unit is a fundamental fallacy arising from the

natural inability of Europeans to understand the scheme of social distribution known as the caste system.

## VII.

(A SANSKRIT TITLE AS QUALIFICATION  
\* FOR THE FRANCHISE.)

An educational qualification, varying in the circumstances of the various Provinces, has been adopted in the White Paper as an alternative qualification for the franchise. We suggest that the passing of a "title" examination held by a recognised Sanskrit Association (such, for instance, as the *Sanskrit Association* of Calcutta or the *Sāraswat Samaj* of Dacca) may be included in this qualification. The standard of educational efficiency demanded in these examinations is distinctly higher than the Matriculation standard of any Indian University.

Dealing quite generally with the constitutional scheme of the White Paper, I have only two submissions to offer:—

(1) Any whittling down of Provincial Autonomy—*e.g.*, the proposal to take away control over the Police or any portion of the Police from the Provincial Governments—will be utterly unacceptable and will jeopardize the success of the whole scheme. It will discredit the advocates of constitutional methods and strengthen the hands of those who have been persistently crying down the whole scheme as a "sham," a "make-believe" and an "eye-wash."

(2) Things must be speeded up as far as possible. Delay has already had the effect of disheartening the people and demoralising the Administration.

## MEMORANDUM 70 BY M. K. ACHARYA.

The so-called Poona Pact was *not*, as the White Paper very incorrectly describes it, "an agreement . . . reached on the 24th of September last between the representatives of the Depressed Classes and of the rest of the Hindu Community" (page 19). It was at best a most panicky modification of the Premier's Award by the self-elected Hindu leaders and three Depressed Class leaders acting under the unrelenting coercion of a "Fast unto

death" by Mr. Gandhi in the Yerawada Gaol in Poona last September. The following facts are incontrovertible.—

(1) The fast excited great stir among so-called Nationalist newspapers in India, and among a number of English-educated Indians, although the bulk of the Hindu Community regarded it as almost a sin, whatever the motive behind. Among the "educated" Hindus who were anxious to terminate Mr. Gandhi's

2<sup>o</sup> August, 1933.]

[Continued.]

fast somehow, the following five became signatories to the "Poona Pact," namely, Pandit M. M. Malaviya, Sir T. B. Saprú, Mr. Jayakar, Mr. C. Rajagopalachari, Sir Chunilal Mehta. Of these, excepting the first, who has since modified his interpretation of the Pact and its "implications," the other four were only nominal Hindus, who, however great personally, were not the accredited leaders of the Hindu Community. The terms of the Pact were drawn on the 24th September, probably the seventh day of the fast, cabled the same day to the Premier, and accepted by him within 24 hours, without any enquiry as to how far the "Pact" was at all "supported by all the parties affected" as the British Government's own Memorandum had demanded. (3) The general Hindu public in India knew of this Pact and its acceptance by the British Government only on the 25th evening or 26th morning of September. (4) Myself and a number of recognised Hindu leaders, some from every Province, were at the time in Simla on a Deputation to the Viceroy; and on the 26th September, after we presented our Memorandum on Constitutional Reforms to the Viceroy, and came out, we read in the day's papers about the acceptance of the Pact by the British Premier. Immediately a dozen of us handed in a signed protest to the A.P.I. and Reuter's representative in Simla. I myself left Simla that same evening; and two, three days after I discovered that our protest had been suppressed. (5) Wherefore from Madras on the 5th of October I wrote an open letter to Mr. Gandhi, entitled "Is This Alas! Soul-force?" in which I exposed the bluff of the Poona Pact. This letter was published in the "Madras Mail" of the 5th October, and in one or two other papers. (6) On the 10th of October I wrote a long letter to Sir Samuel Hoare pointing how few recognised leaders of the Hindu Community had been parties to the Poona Pact. I also enclosed a copy of our Memorandum to the Viceroy, and of our request to have some representation given to the Orthodox Hindu Majority at the third R.T.C. This must have reached Sir Samuel Hoare about the 25th of October. (7) And Sir Samuel did very kindly send

me a reply dated Whitehall, 3rd of November, acknowledging receipt of my letter of the 10th October, and saying: "As regards the Poona Pact, Government's position is that it accepted an agreement which had the support of those who have always been regarded as the political leaders of Hinduism. With the development of the representative system it becomes more and more important that the leaders should correctly reflect the views of the community. . . . It would not be possible at this stage of the Constitutional discussions to bring new element into the Conference." (8) Thus in October last Sir Samuel knew as a matter of fact that the so-called Poona Pact was a bluff played upon him by eight or ten so-called leaders, and the vociferous "Nationalist" Press in India. (9) In March last a second All-India Deputation waited on the Viceroy, which categorically repudiated the Poona Pact, and demanded representation on the Joint Committee. This time I took greater care to see that Reuter's Agent at Delhi did send a Report of our Deputation to England. (10) Likewise Provincial Organisations, like those in Madras and Bombay, sent up their protests to the Secretary of State, signed in some cases by several hundreds of leaders—with copies to myself. In spite of all these open protests, the White Paper has chosen to describe the Poona Pact as "an agreement . . . between the representatives of the Depressed Classes and of the rest of the Hindu community!" (11) Lastly, a few days ago, in the printed Memorandum submitted by me to the Joint Select Committee, and to Sir Samuel Hoare, I have exposed the myth of the Poona Pact. (12) And yet, and yet, Sir Samuel Hoare in his evidence last week before the Joint Committee has persisted in designating the Pact as an agreement which satisfies paragraph 4 of the Government's Memorandum on Communal Award, that is as being "supported by all the parties affected."

I quite appreciate Sir Samuel's good intentions but are good intentions to be at the sacrifice of facts?

2<sup>o</sup> August, 1933 ]

[Continued.]

**SECOND CHAMBERS IN INDIAN PROVINCES.**  
*Why they are needed—How they should be composed.*

Sir Samuel Hoare in his evidence before the Joint Select Committee felt not sure if public opinion in India was distinctly in favour of Second Chambers in all Provinces, if the necessary personnel could be found for two Chambers in each, and if the Communal differences might not impair the efficient working of Second Chambers. I desire to submit the following on these points:—

**A. In favour of Second Chambers:**

1. The All-India Varnashram Swaraja Sangha, which, though started only four years ago, represents the views of 95 per cent. of the Hindu Community on all religious and political questions, and is working under recognised religious heads and leaders with large political experience in every Province, through two very huge representative Delegations to the Viceroy, one in September last, the other in March, have demanded a Second Chamber in every Province "to minimise the evils inherent in every emotional Rule of Numbers, and to safeguard the economic, cultural and religious interests of every Indian Group or Community."

2. The All-India Landholders' Association has likewise demanded an Upper Chamber in every Province.

3. The All-India European Association has done the same, I think

**B. Against Second Chambers.**

On the other hand a large body of English-educated Indians who, though numerically a small minority, are yet very vocal, are for radical "reform" social, political, economic, religious. These vocal people control most of the "nationalist" papers in India; they likewise predominate in the existing Legislative Councils. Nothing can be more natural than that these should be against any Second Chamber with which they will have to share their political power. This explains how, as Sir Samuel Hoare has said, "certain Provinces appear to be definitely against Second Chambers."

**C. Need for Second Chambers:**

1. Second Chambers are needed verily to restrain the undue enthusiasm of such extreme or radical Reformers, especially when full Provincial Autonomy is introduced.

2. Secondly, the major Provinces of British India are so huge. Bombay is three times, Madras almost three times, C.P. two and a half times, as

big as England—and they are made up of so many different interests that adequate representation cannot be given to all in a Single Chamber. Thus, in Madras, out of a total of 215 seats, the White Paper provides only six seats for Landholders, six for Commerce and Industry, only one University seat for the three existing Universities, none for Oriental learning, and none for any religious institutions which also have large properties to be utilised for right ends.

**D. Composition of Second Chambers**

1. The White Paper recommends Second Chambers for three Provinces, but their proposed Constitution is very defective. The proposed seats and Constituencies would practically represent the same interests that are provided for in the Lower House. Such mere reduplication of the Lower Chamber is worse than useless.

2. I would suggest, in a general way, that each Upper House should provide adequate representation to the following interests in every Province (1) Landholders; (2) Commerce and Industry, (3) Learning, both Western and Eastern; (4) Religious interests, and so on.

3. Taking, for example, the present Province of Madras, with an area of 143,870 square miles, and a population of 45.6 millions, of whom 41.2 are "Hindus," 3.3 Muslims, and 1.7 are Christians, I would suggest an Upper Chamber of 70 members on the following rough scale:

<b>A. Landholders, dividing them into 5 groups—North, North-West, Centre, South, South-West</b>	
West	10
<b>B. Commerce and Industry and Labour</b>	
European 5, Indian 5, Labour 2	12
<b>C. Learning</b> For the three Universities 12, Pandits 2, Maulvis (Arabic and Persian) 2	
	16
<b>D. Religion</b> For the five Mutts Vaishnava 2, Saiva 1, Madhwa 1, Adwaita 1—5, to be elected by Temple Trustees N., N.W., C, etc., 5; to be elected by recognised Religious Associations 2—Total Hindu 12; Muslim 2, Christian 2	
	16
<b>E. Administrative Experience</b> to be elected by Retired Officials drawing pension of not less than Rs. 1,500 per annum	
	8
<b>F. To be nominated by Government</b>	
	8

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[Continued.]

4. On the above rough plan, with necessary modifications to suit each Province, an Upper Chamber should

be constituted in every Province simultaneously with the introduction of Provincial Autonomy.

## MEMORANDUM 72. JOINT MEMORANDUM BY THE REPRESENTATIVES OF THE ALL-INDIA VARNASHRAM SWARAJYA SANGHA.

The three members of the All-India Varnashram Swarajya Sangha have each submitted a separate Memorandum of evidence. They now beg to submit this as their Joint Memorandum in order to make it clear that the points herein enumerated are those on which they are quite united, and as regards which they speak with the authority of the entire Sangha.

### I.—Safeguard for Religion.

We want that our religion should be absolutely safeguarded. This can be done by enacting that the future Indian Legislatures (whether Federal or Provincial) shall be debarred from passing any measure affecting the personal law or the religious faith, practice, institutions and usages of any community.

### II.—Second Chambers

We want that Second Chambers (Provincial and Federal) should be constituted on Non-Communal lines, and in such manner as to represent the learning, religion, the landed interests, and the commerce, industry, and labour of each Province, as also the administrative experience available in the Province.

### III.—Poona Pact.

We want that the Poona Pact should be abrogated altogether, on the following among other grounds.—

(1) That the Orthodox Hindu Community were no parties to the Pact;

(2) That there is no justification for splitting up the Hindu Community into two such compartments as Caste Hindus and the Depressed Classes;

(3) That the only effect of the Pact will be to cripple the Hindu Community, and to rob it of its legitimate share of power and influence in the country.

In this connection we beg to point out that the Poona Pact will be specially injurious to our co-religionists in Bengal.

### IV.—Franchise for Lower Chambers.

We are against an indiscriminate lowering of the Franchise in the immediate future. The bulk of our countrymen are yet untrained in the habit of working representative institutions, and the only effect of the sudden extension of the Franchise now proposed will be to produce unwieldy electorates, the voters of which, in the present circumstances of the country, cannot be expected to give an intelligent vote upon purely political issues, and so will be led into voting this way or that under the bidding of political cancanes, or under other unwholesome influences. The result may be Democracy of a sort, but it will be the negation of representative government.

Provincial Autonomy, we contend, should be broad-based on Rural Autonomy, the affairs of each village or village-group being administered by a Panchayat, Council or Board of its own. Adult Suffrage may be introduced at once in the election for these village Boards, and thus the way may be paved for the gradual extension of the system in the case of the Provincial and Federal Legislatures also.

In this connection we beg to draw attention to the serious administrative difficulties which will be experienced in the actual polling of the electorates proposed in the White Paper.

### V.—Full Provincial Autonomy.

We are for full Provincial Autonomy as proposed in the White Paper.

### VI.—Central Responsibility.

Irrespective of the inauguration of Federation, we want a certain measure of responsibility at the centre, subject to safeguards, such as was envisaged in the Prime Minister's statement of December, 1931.

JITENDRALAL BANNERJEE.

M. K. ACHARYA.

LAXMAN MAHADEV DESHPANDE

2<sup>o</sup> August, 1933.] Mr. M. K. ACHARYA, Mr. L. M. DESHPANDE [Continued.  
and Mr. J. L. BANNERJEE.

10,253 These Memoranda have been circulated to the Committee, and have received, I am sure, their close attention, and I shall ask my colleagues, first of all, to put any questions they may have to ask on those Memoranda. Before I proceed further, I should like to make reference to a large volume entitled "Memorials submitted by various orthodox Hindu Associations to the Joint Select Committee in London, 1933". You realise, I am sure, that it would not be practicable to cite all the Memorials upon the Note. I propose to make this volume available to such Members of the Committee and the Delegation as may desire to study it.

Marquess of Lothian.

10,254. Mr Acharya, I notice that in your joint Memorandum, the first article is "Safeguard for Religion". "We want that our religion should be absolutely safeguarded. This can be done by enacting that the future Indian Legislatures (whether Federal or Provincial) shall be debarred from passing any measure affecting the personal law or the religious faith, practice, institutions and usages of any community". How would such provision be compatible with what is generally known as social reform?—Well, my Lord, I think that we really do not want social reform on any lines inconsistent with the fundamentals of our religion. That is the very purpose of this demand. A social reform which would be consistent with the general ideals of our religious institutions will be permitted through reference to the religious heads and with their consent. That is what is in our minds.

10,255. Would you regard an act like the Sarda Act, which deals with the question of child-marriage as incompatible with religion?—Yes, with certain fundamentals of religion, it is incompatible, and that is our opposition to it.

Mr. M. R. Jayaker.

10,256. Is there any place where the fundamentals of your religion are to be found?—Yes; every real Hindu knows them.

Sir Hari Singh Gour.

10,257. But to give the real Hindu a chance to see them, can you refer to any books?—There are plenty of books if the orthodox Hindus would only take the trouble of getting the information they want, and they are serious.

Marquess of Lothian.

10,258. When you say: "shall be debarred", how do you propose that that should be done?—I may probably suggest a small formula that I have drawn, which I hope, probably, my colleagues also may agree to. It is something like this I may like to have on the Statute. "It shall not be lawful to introduce any measure or Bill into any Indian Legislature, except on the recommendation of the recognised Religious Heads and Organisations of the Community affected, or sought to be affected; and no such measure or Bill shall be passed, except on the vote of not less than two-thirds of the representatives in each Chamber of the community sought to be affected." Some provision like that will satisfy us, in regard to what we call safeguarding the fundamentals on one side and on the other, making some provision for introducing what may be necessary legislation suited to the adjustments, according to changes of time which will come from within.

10,259. Do you mean by that, that the Supreme Court should be empowered to have the question of any legislation passed by any India Legislature brought before it and have the power to declare it null and void on the ground that it interferes with the principles of any recognised religion. Is that the method by which you would do it?—What I suggest is that no measure will be introduced, in fact, in any Indian Legislature without ascertaining beforehand what the opinion is of the recognised religious institutions. If they are agreeable to the introduction of the measure, and if it is passed in the manner I have suggested, then there will not be opposition to it. It is, in fact, to eliminate the difficulty of afterwards going to a Court and having it declared null and void that we suggest this kind of proposal.

10,260. You mean that the religious heads in effect should be a sort of Third Chamber with a right of veto on the introduction of any legislation?—No; public opinion is asked upon all important questions that come up before they are introduced, and these are for the purposes of ascertaining the public opinion of the community sought to be affected.

Mr. M. R. Jayaker.

10,261. But public opinion is not decisive on that question?—Public opinion can never be decisive on any matter

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under the sun, but here the question is, what the majority will say.

10,262. But under the scheme you are putting forward now, the religious head will have the power of saying that this legislation shall not be introduced, and his decision would be final on that question?—I do not understand it. There may be changes the religious heads themselves may desire to bring about

Sir Hari Singh Gour

10,263 But if the religious heads are a selfish body of men, how is the community to proceed or progress?—I cannot give any answer to the supposition that a particular class of people are selfish. The religious heads are generally far less selfish than the social reformers, not of themselves but of others, are.

Mr. M. R. Jayaker.

10,264. What religious heads would you consult?—Of the several communities sought to be affected, of the several orthodox communities.

Marquess of Lothian.

10,265. You recognise that for any proposal of this kind the religious denomination would on the Constitutional basis have to define those personages who were authorised to speak on its behalf and to forbid the introduction of any such legislation. How would you propose to establish that body?—Each Provincial Government knows who are the recognised religious heads of each community in the Province under their administration. I cannot see any practical difficulty. Every Provincial administration knows who are the religious heads of the Hindus and who are the religious organisations in that Province. Similarly, we know who are the recognised heads of the Catholic Church and the Protestant Church, and so on. They would, therefore, submit a measure to the opinion of these bodies.

10,266. You would allow the Provincial Government to determine who are the religious leaders, and give those religious leaders the right of veto on any legislation which, in their view, conflicted with their religion?—My language is not the power of veto, but the right to give their opinion upon a matter which concerns them vitally. I do not regard it as a power of veto at all.

Mr. M. R. Jayaker.

10,267 Supposing their opinion was against the introduction of a legislative measure, would you allow those who are in favour of the measure to move it in the House?—It is the business of those to try and see that they secure their co-operation.

10,268. Supposing after that trouble is taken, the religious head of one community said that a certain measure was one to which he would not give his support, would you then allow that measure to be introduced into the Legislature?—If one religious community says it, and all the others favour it, perhaps it will go through.

10,269 Supposing all the religious heads do not favour it, will you still allow the measure to be introduced?—Not at all.

10,270. Then it amounts to a power of veto, as Lord Lothian is putting to you?—You may have your own conception. Veto comes afterwards, I think it is vested in the Governor or the Governor-General. That is how I understand it.

Dr. B. R. Ambedkar.

10,271. Is it not vetoing his previous sanction?—You may understand whatever you like.

Marquess of Lothian.

10,272 May I pass to something else? You say in the second paragraph: "We want that Second Chambers (Provincial and Federal) shall be constituted on non-communal lines, and in such manner as to represent the Learning, Religion, the Landed Interests, and the Commerce, Industry and Labour of each Province, as also the administrative experience available in the Province." Have you any detailed scheme for constituting the Second Chambers?—Yes. I have submitted a rough scheme for the Province of Madras, from which I come. I have submitted it along with my Memorandum on Second Chambers.

Sir Austen Chamberlain.

10,273. In which paper?—Second Chambers in Indian Provinces—I think I submitted it only last week.

[Sir M. N. Mehta.] It is number 70.

Sir Austen Chamberlain.

10,274 Pages 3 and 4 of Document No. 70?—Yes. I suggest for the Province of Madras 10 seats for the Land-

2<sup>o</sup> Augusti, 1933.] Mr. M. K. ACHARYA, Mr. L. M. DESHPANDE [Continued.  
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holders; 12 seats for Commerce and Industry and Labour, Learning, 16; Religious heads, 16; men of administrative experience, 8; and to be nominated by Government, 8—roughly, 70. Of course, it is a very rough suggestion. I say the same may be adjusted, with the necessary modifications, for the other Provinces.

Marquess of Lothian.

10,275. Now may I pass to paragraph 4? You say. "Provincial Autonomy, we contend, should be broad-based on Rural Autonomy, the affairs of each village or village group being administered by a Panchayat, Council or Board of its own. Adult suffrage may be introduced at once in the election for these village boards; and thus the way may be paved for the gradual extension of the system in the case of the Provincial and Federal Legislatures also." I suppose you are aware that to-day there are a very small number of Panchayats in existence in India; there are only 11,770 out of 458,000 villages?—Yes.

10,276. You wish to create them?—We wish very strongly that a Panchayat should be set up in each major village or group of villages as early as possible. Till then, we suggest that probably some transitory provision may be perhaps devised, but only when these village Panchayats come in can there be anything like real representation for all the various rural people concerned.

10,277. Have you any suggestions as to the basis upon which the Panchayats should be founded?—At present the Panchayats are not at all autonomous. That is the information I have with regard to the Province of Madras, and I believe with regard to other Provinces also. The Panchayats must be made really autonomous because the village leaders know very well what are the village concerns, and they would be the best persons to help the district administration in the management of the village concerns. It will be a very intelligent adult suffrage voting there, because each community, each part of the village, knows who are its leaders almost from time immemorial. In a small group of seven, eight or ten, as the case may be, the village Panchayat members must be in charge of all the Departments of village administration.

10,278. What powers would you give the Panchayats?—I would give them the

powers with regard, for instance, to what is most important to them, agriculture, village irrigation, village sanitation, village grazing grounds, village forests, and what we call, village common lands—unoccupied lands, and also minor small criminal and civil disputes that may come up among the villagers.

Sir A. P. Patro.

10,279. And burial grounds?—Yes. Sir Annepu Patro is very keen about them, he can have burial grounds also—rather burning ghats I would prefer, because we do not bury, but burn. Sir Annepu Patro forgets it.

Marquess of Lothian.

10,280. I think I am right in saying that the Franchise Committee was very interested in this proposal. May I just read you a sentence from their Report, and ask you what your opinion of it is. In pointing out some of the difficulties, the one I have already mentioned, that there are only 11,770 Panchayats out of 458,000 villages, they went on to say: "It is the general testimony of officials and others in close touch with villages that the effect of making the village itself an electoral unit would be to intensify caste factions and local feuds, and to create not harmony but discord." What would be your comment upon that?—I disagree with that view. It is the official view, and, as usual, it is very much, I think, officially managed. I do not agree with it. On the other hand, my contention is that the people from time immemorial have been accustomed to village Panchayats, and that is the only tradition that survives to-day in the villages. It will be, on the other hand, a way of getting out of communal disputes and things of that kind.

10,281. How long is it since the Panchayat was in effective operation in most of the villages in India?—That is all old history, I thought. I have not got the reference to-day, but I think every schoolboy knows it.

Mr. Foot

10,282. Mr. Acharya, I only want to put a question relating to your Memorandum which is numbered 65, your Memorandum on Indian Constitutional Reforms. You deal in paragraph A with the problem of the Depressed Classes?—Yes.

2° August, 1933.] Mr. M. K. ACHARYA, Mr. L. M. DESHPANDE [Continued.  
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10,283 Do I understand that you and your community consider yourselves entitled to speak for the Depressed Classes?—Yes, because so far as the vast majority in the Madras Province is concerned, this is a hard and fast division between caste-Hindus and Depressed Classes which does not in reality exist. We all have the same economic and political interests together. Whatever the vocal politicians may say, this is the fact, that in the villages there is not this hard and fast division between the caste-Hindus and the Depressed Classes.

Sir Hari Singh Gour.

10,284. Were not the Depressed Classes created by the God of Brahma?—No, they were created by the British Government, or British administrators, during the past 15 years.

Mr. Foot.

10,285. We have had a spokesman for the Depressed Classes who was here on Monday of this week, who is an officer of their organisation, and who told us that he approved the Poona Pact on behalf of his people. You are against the Poona Pact, judging from your Memorandum?—Yes.

10,286. Can you satisfy us upon your authority to speak for these Depressed Classes?—I do not claim to speak on behalf of the Depressed Classes, because I am not authorised by any, what may be called, organisation of the Depressed Classes, if there is any such organisation, to speak on their behalf, but my objection to the Poona Pact is that the vast bulk of the caste-Hindus, excepting half a dozen who signed the Poona Pact, were no parties to it at all, and there can be no pact where only one party wants it.

10,287. In your Memorandum you virtually claim, in that paragraph, that your majority "whose daily lives are cast in the closest proximity with the Depressed Classes, know their wants better, and are ready to do all they can to help these unfortunate countrymen of theirs," and you go on to speak of the Depressed Classes being misled by the vocal reformers?—Yes, that is my contention.

10,288. Do you wish the Committee to understand that those who come here as representatives of the organisation of the Depressed Classes are not qualified to

express their views?—I do not know who have come, or on behalf of what organisations. For instance, in the Presidency of Madras, in the rural areas in my own district, I once represented two districts on the Legislative Assembly and I am not aware that there are any widespread organisations of the Depressed Classes, so far as I know, and the Depressed Classes' organisations are confined to, what may be called, the large cities, Madras and Bombay, perhaps, and my suspicion is that the vocal leaders are not in touch with the vast bulk of the Depressed Classes in the rural areas.

Sir A. P. Patro.

10,289. Mr. Acharaya, will you kindly tell us whether you know of the Adi Doravida Association in Trichinopoly, the Adi Doravida Association in Madura, the Adi Doravida Association in Changilpot, the Adi Doravida Association in Madras City, and the Adi Doravida Association in the Sirkars?—Quite right, consisting of not more than 100 people in each out of millions of the depressed classes populations.

10,290 How many have joined your organisation?—At least 500,000.

Sir P. Patro.] I will come to that when my turn comes.

Mr. Isaac Foot.

10,291. I have one further question to put. You speak in your Memorandum of the scandals that have been circulated in this country against the age long tyrants in India. Are we to understand that the disabilities under which these people suffer are not admitted by you?—I must know what disabilities. We are all suffering under very many disabilities in common with the depressed classes, but what special disabilities they have, I can only give you an answer if they are enumerated.

10,292. Have you acquainted yourself with the Simon Commission Report?—In a very general way.

10,293. Did you read the paragraphs of that report relating to the disabilities of the depressed classes?—I just now cannot remember it. I have read it in a very cursory way. I cannot remember it now.

10,294. From your cursory reading are you able to say if you generally approved of their statement relating to their case?—I should generally not approve. My friend will supplement it who probably

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[Continued.]

knows it. (Mr. Bannerjee.) May I supplement the answer?

10,295. May I ask you then did you read the paragraph in Volume I of the Report of the Statutory Commission pointing out the position of the depressed classes?—No, that is not what I was referring to but so far as political and civil disabilities are concerned there are no disabilities from which the depressed classes suffer which have been imposed on them by the so-called higher classes. There are social disabilities which are incidental to the caste system. Every caste Hindu is subject to certain social disabilities. That is part of the system itself. It is not political and civil disability.

10,296. Would you answer the question, which is this: Did you read the statement of the Statutory Commission upon the position of the depressed classes?—No.

Mr. Isaac Foot.] Then I will not ask you anything about it.

Marquess of Zetland.

10,297. Mr. Acharya, I want to be clear what is the distinction between the All-India Varnashram Swarajya Sangha and the All-India Hindu Mahasabha?—(Mr. Acharya.) The Hindu Mahasabha so far as I am aware represents the opinions of what I would call the heterodox Hindus, not of the orthodox Hindus. The All-India Varnashram Swarajya Sangha claims to speak on behalf of 170,000,000 out of 177,000,000 which is the population given in the census report for Hindus in British India and the All-India Varnashram Swarajya Sangha claims to speak on behalf of the vast majority of 170,000,000 who are not heterodox, and who are not de-nationalised.

Mr. M. R. Jayaker.

10,298. Do you call Pandit Malaviya heterodox and de-nationalised?—He is not orthodox to-day.

10,299. He was?—Yes, before we founded our organisation.

Marquess of Zetland.

10,300. I think Mr. Jayaker asked a question which I was going to ask, but I do not know what the answer was. I was going to ask if you accepted the Pandit Malaviya as a member of the All-India Varnashram Swarajya

Sangha?—Not in what may be called the technical sense. He is a very good Hindu, and he was a leader of the Hindus for a very long time until his Congress politics came, and he tried somehow to bring about some kind of rapprochement between the orthodox and heterodox Hindus, and his Poona Pact mistake was one of those blunders for which he has openly repented.

Mr. M. R. Jayaker.

10,301. I should like you to answer Lord Zetland's question simply. Is he a member of the All-India Varnashram Swarajya Sangha? It is a simple question which you ought to be able to answer. Is he a member or not a member?—Define what you mean by a "member"?

10,302. A member who pays his subscription?—These are western methods, paying subscriptions and signing entrance forms. We have other eastern methods.

Marquess of Zetland.

10,303. The Pandit is, or certainly would have been a member of the All-India Varnashram Swarajya Sangha, but, as a result of the part which he played in making the so-called Poona Pact, you would outcast him, so to speak?—Practically it comes to that.

10,304. I want to turn for one moment to the question of the restrictions which you would like to see imposed upon the future Legislatures in the matter of social reform in so far as that reform might impinge upon religious tradition and practice, and so on. The question that I would put to you is this: Supposing that the restrictions which you asked for were granted, and supposing that the ancient practice of suttee was still carried on, would it then be impossible to bring suttee to an end under your scheme?—May I know what is meant by "suttee" before I can answer, because I may understand suttee in one sense, and you may understand it in another, and that is the great difficulty? Suttee, as I understand it, was never abolished. The forcible burning of widows was asati and not suttee. It was a forcible burning of widows which was abolished as I understand, and that was not sanctioned by religion. The forcible burning of widows was against religion, and was

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rightly put down, but I do not know what Europeans and our reform leaders may understand by suttee.

Sir Hari Singh Gour

10,305. Would you permit the voluntary burning of the widows?—It never comes to our knowledge; it is going on to-day. When a woman voluntarily dies with her husband you never know about it.

10,306. Is it in accord with the ideals which you profess?—It is considered the highest ideal of humanity. Voluntarily dying along with a friend is a very high ideal which I would bow to.

10,307. You approve of the voluntary burning of widows?—Voluntary immolation! If a wife chooses to die along with her husband and cannot live without him I would respect her and regard her as part of Divinity.

10,308. Does she voluntarily set fire to herself or do others do it?—That is all for my friend to investigate.

*Chairman.*] The Committee and Delegates will realise that we shall get far more out of witnesses by question and answer in the ordinary way. We are having a round of questions. We have a very heavy day's business before us. While I have no desire to curtail the examination of these important witnesses every one in the room will understand that there is urgent reason why we should proceed as expeditiously as possible.

Marquess of Zetland.

10,309. I do not intend to pursue that subject. I think the position of the witness is perfectly clear. It is to my mind, at any rate. I will turn for the moment to another question altogether. I understand from your Memorandum and from the answers which you gave to questions put by Lord Lothian, that you are very strongly in favour of rural autonomy?—Yes.

10,310. The re-creation of the punchayat system?—Adapted to modern conditions.

10,311. Certainly. Perhaps I might address this question to Mr. Bannerjee, because it concerns Bengal. When I was in Bengal I was successful in securing the passage of a village self-government Act?—(Mr. Bannerjee.) That is so.

10,312. The object of which was to restore, so far as possible the punchayat system, subject, as Mr. Acharya says, to adapting it to modern conditions. That Act gave to small village bodies certain

powers for dealing with local matters, public health, and so on, and it also established small village benches. Is that the kind of rural autonomy which you have in mind?—Yes, and at present the Province of Bengal is covered with these village unions and village boards, and it is the unanimous opinion of Government Officers that they are functioning very well. Of course, they are handicapped by one circumstance, the paucity of the resources at their disposal.

10,313. Quite so, but can you tell me, has considerable use been made of that Act? Have the village unions spread over the greater part of Bengal?—Yes, practically the whole of Bengal is covered with village unions, excepting two districts. The other 22 districts are practically covered with them.

10,314. What is your position with regard to the Provincial Council. Is it your suggestion that the members of the village unions and village boards should be the electors for the Provincial Council?—That is not what we suggest. We suggest that adult suffrage may be introduced at once for the election to these village boards, but we do not, as a matter of fact, advocate indirect election for the Provincial Councils.

10,315. You say, so far as the village unions and village boards are concerned, that adult suffrage might be brought into effect at once?—At once.

10,316. But there would be tremendous administrative difficulties in the way of adult suffrage so far as the Provincial Councils are concerned?—Yes; Provincial and Central Councils.

10,317. But if adult suffrage is practicable in the case of union boards, why is it impracticable in the case of the Provincial Councils? What is the distinction?—In the first place, these people do not understand political matters at present. They have not been in the habit of working political institutions. The ordinary political issues do not appeal to them, but matters affecting village welfare, material and individual welfare they very well understand; therefore, as far as their boards are concerned they may exercise an intelligent franchise. So far as the Provincial Councils are concerned they cannot be expected yet to exercise an intelligent franchise.

10,318. Then what do you propose should be the electorate for the Provincial Councils?—At present our idea is that the electorate should be the same as the



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electorate for election to the district boards—Taluk Boards as they are called in other Provinces of India. That is the qualification. The White Paper proposes that anybody who pays sixpence annually to the rates shall have a vote. We propose that anybody who pays at least one rupee shall have a vote. That is the local board qualification.

10,319 What would be your objection to a system under which the electors for the local boards would be the voters for the Provincial Council?—In the long run probably that would be possible. In the long run that may be a better alternative, possibly. (Mr. Deshpande.) According to the White Paper proposals in Bombay the franchise is just as it is given for the Taluk Boards, so I propose that that is what it should be in the Provincial Councils.

Marquess of Salisbury.

10,320. Mr. Acharya, I must not pretend to understand, although I speak of them with the greatest respect, the religious difficulties in India; but I am right in saying that you represent a very large body of Indian public opinion?—(Mr. Acharya) Yes, we claim to represent the whole Hindu population, except a very small percentage, probably five or six millions, who are of English education and who are reformers. All the rest we claim to represent religiously.

10,321. Although you are in favour of self-government in India, yet you are a little afraid of proceeding too much on Western lines. Is that so?—I am greatly afraid.

10,322. You prefer to proceed more upon Indian lines?—Yes, self-government upon Indian lines I would suggest.

10,323. You are conscious, when you read the White Paper, of a great many difficulties which arise as regards, for instance, the franchise, from the illiteracy of a large number of the electors?—Yes, my Lord. I am afraid, if I may speak bluntly, the Indian members who have been advising or who have been responsible for the advice contained in the White Paper, have not understood the genius and culture of India, and have not cared to demand parliamentary and constitutional institutions which will be in accord with the genius of Indian culture. The White Paper, if it is given effect to, will turn India into a fourth-rate country of Europe which is greatly to be deplored.

10,324 You think the Joint Committee ought to approach this subject with great caution and, if possible, that the reforms should be of a gradual character?—Yes, my Lord; it must be; of a kind, gradual and consistent with India's higher culture and traditions.

10,325. You see difficulties in the working of Western institutions in the franchise the illiteracy, the caste system, the size of the constituencies. All those difficulties are present to your mind?—Yes. The White Paper proposes to enfranchise fourteen per cent. of the population or 28 millions, and according to the census only eighteen million are literate. The majority of those whom the White Paper proposes now to enfranchise will be illiterate voters and will be quite ignorant of what may be called the higher aspects of All-India problems.

10,326. It is for that reason that, in answering my noble friend Lord Zetland and others, you have been pressing forward this development of village organization?—And for the further reason, namely, that as I have quoted in my Memorandum, we are against what we call any kind of democracy, which simply means the vesting of all powers in the hands of the vocal few, as against the many. The rule of the few over the many in the name of democracy is very much against what we call Indian culture and therefore due to illiteracy and to the difficulties in introducing these representative Western institutions at once and due, also, as I say, to our desire to devise some scheme which would be consistent with the higher ideals of India. I am for a very radical revision of the White Paper proposals.

10,327. When we go one step above the villages, I see you say in your Memorandum, or one of them, that you think the size of the Provinces is unduly large; that they are too big to be managed?—Yes, that is what the census says. Bombay Presidency is three times the area of England, Madras is  $2\frac{1}{2}$  times the area of England; and the Central Provinces  $2\frac{1}{2}$  times as large as England. I do not believe, when full power is given, any Minister who is in charge of education, agriculture, or any of the subjects with which the ordinary people are greatly concerned, will be able to keep himself in close touch with the requirements of a Province three times the area of England or five times the area of Scotland.

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10,328 All these questions of the development of village organization and the size of the Provinces have got to be settled before we arrive at the question of Federation at all?—They ought to have been settled, I think, during the past two years, if the discussions had gone on what may be called lines adapted to Indian conditions.

10,329. You do not think that after all these centuries there is such a vast amount of hurry in producing a full Federal organization at once?—I do not know how the Federal organization can come at all before the units are in existence. Before the units are in existence, I do not see how the Federation of them can come at all. That is an ideal to which we should work in the long run.

10,330. That particular difficulty has occurred to many of us.

10,331 Now you are very anxious, I see, for the establishment of Second Chambers in every Province?—Yes, because we feel that considering the kind of members that are going to be in the single Chamber proposed now, and considering the kind of electorates proposed, the many matters with regard to which hasty motional legislation may be introduced, or measures passed, these require to be carefully revised by some Chamber. In fact, as was suggested at one of the Round Table Conferences by a Member of the Justice Party, who is now Chief Minister of Madras, as a check on the hasty and panicky measures of legislation, a Second Chamber is absolutely necessary. That is the bulk of Indian opinion, except, of course, the few who want to have the monopoly of power in their own hands.

10,332. May I just ask you about one particular subject? I suppose you think it very important from the point of view of the great mass of the people, that good order should be maintained?—Yes

10,333. And, therefore, all the arrangements which are to be provided in respect of the maintenance of Law and Order are very important to the mass of the people of India?—Yes.

10,334. Have you any view as to the conditions which ought to attach to the protection of Law and Order in India?—We have very carefully thought about it among ourselves, and that is what we say, that the suggestion now contained in the White Paper, that the Governor should have the responsibility and, therefore, the power to enforce Law and Order

in all emergencies should be supported wholly and, subject to that, Provincial Autonomy may be introduced.

10,335 You think it very important that the Governor should have special control of Law and Order?—Yes, the power to discharge his responsibility for Law and Order in the last resort.

10,336 So that all those safeguards, you think, are very important?—Yes. I think they are mentioned in the White Paper?

10,337. But what about the Police? In whose hands ought the Police to be?—As a kind of compromise, we have thought about it very seriously, Provincial Autonomy without the Police being in charge of a Minister will not be Provincial Autonomy. Therefore, I believe the ordinary administration of the Police, as I understand the White Paper, will be in charge of a Minister, but where emergencies arise and where in the last resort the Governor's special responsibility has to be exercised, he must be able to utilise such part of the Police as he may think necessary for maintaining Law and Order in the last resort.

10,338 And do you think he ought to have any special staff for that purpose?—My personal opinion is that there will be some special staff always, and he must, be able to get from the Minister reports from day to day of what is happening. That is a kind of arrangement with regard to the office business, and so on which is a minor matter of detail. When he has the responsibility, he must have the power. How he will exercise the power is a matter for administrators to decide.

10,339. But what you, and those you represent, are firmly resolved upon is that in the ultimate result Law and Order ought to be in the control of the Governor?—Yes, in the last resort, as a special responsibility.

Mr. M. R. Jayaker.

10,340. Does Mr. Deshpande agree with some of the answers given by Mr. Acharya to Lord Salisbury? For instance, does he agree that Parliamentary institutions and democracy being against Indian culture, should not be established?—Where have I said that?

10,341. You answered that—that democracy is against Indian culture?—I am afraid Mr. Jayaker's intelligence has misled him.

10,342. I have taken down your answer?—I did not say it was against

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Indian culture. (Mr. Deshpande.) He says he has not said so, and, of course, if he has not said so, I neither agree nor disagree.

10,343. What is your view? Is your view that democracy is against Indian culture?—I do not think so.

10,344. You do not agree with the view?—He says he has not said it.

10,345. If Mr. Acharya's view is that Parliamentary institutions are against Indian culture and traditions, you do not agree with it?—(Mr. Acharya) If I did say it, it is proceeding on wrong lines

*Chairman.*] The Witness seems a little uncertain as to what he said before. I will not ask the Shorthand Writer to read the answer, but I will ask you now to put one or two specific questions which the Witness can answer.

Mr. M. R. Jayaker.

10,346. Do you think that democracy and Parliamentary institutions are against Indian culture?—Certain forms of democracy and certain forms of Parliamentary institutions would be against Indian culture.

10,347. Those which are mentioned in the White Paper—do you think they are against Indian culture, and are you against their establishment?—Certain proposals of the White Paper are against Indian culture, and I am against them.

10,348. Take the scheme of the White Paper generally. Are you against its establishment in India?—I have answered the question that certain proposals are against Indian culture and do us harm. I want those proposals which are against it and which are detrimental to us, to be modified. Subject to those modifications, I will have them.

10,349. Are you against responsibility being transferred to popular Ministers, both in the Provinces and the Centre?—Responsibility to Ministers who will, in their turn, be really responsible to a popular electorate, I am for.

Lord Rankeillour

10,350. Mr. Acharya, when you speak of personal law in your Memorandum, you mean religious law, I suppose, do you not?—By personal law, we mean the law at present relating to marriage, inheritance, and things of that kind.

10,351. I understand you say it should be recognised by the Civil power? Do

you mean necessarily that it should be enforced by the Civil power?—I thought the personal law, generally speaking, was being enforced by the Civil power at present.

10,352. The kind of thing I had in mind was this. Supposing there was somebody who broke the Hindu personal or religious law, you might not regard him as an orthodox Hindu, but you would not say that he should not be eligible as a representative of the Hindus in the Provincial Legislature?—That would be open to the electors to decide whether he would be a proper representative for the Legislature.

10,353. You would leave it to the electors?—It would depend upon the circumstances in each case. I would leave it to the electors to judge.

10,354. And you would allow the same for the Muhammadan community, I suppose?—I have put it for each community. The members of the community are the best judges of who will best represent them.

10,355. I did not quite understand your answer about the position of certain ecclesiastical authorities. I understood they were to be consulted upon proposed laws affecting their own communities, but they were not to have a right of veto. Do you mean they were to be advisers or not? I did not quite understand their position?—The recognised religious heads that I mentioned may not necessarily be in the Legislative Councils or Legislative Assemblies at all. The procedure is this, my Lord, that when any Bill or measure is introduced impinging upon religion, the Governor or the Governor-General in the last resort has got to give his consent. Without the previous sanction (I think this is the wording of the Act) of the Governor-General no measure can be introduced which affects religion. It is a very, very delicate thing to call upon the Governor or the Governor-General to decide once for all whether the measure affects, and to what extent it affects, and so on. It is a very difficult matter for Lord Willingdon, he himself told me. He has allowed it in order to find out, in fact, public opinion. It is a very difficult thing for a Governor at once to say whether on his own responsibility he will approve it or not approve it. Therefore, before he gives his sanction, he must consult the recognised religious leaders, as I say, and the recognised religious organisa-

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tions of each community, whether they are very much against it, or what their opinion is. After getting their detailed opinions, then he will be in a better position to say whether the Bill should be introduced or not introduced, and whether he should give his sanction or not.

10,356. In fact you would oblige him to consult them in order to get the authoritative opinion on the religious side, and then he must exercise his own discretion?—Quite so.

10,357. Now with regard to the question of Charitable Trusts, and so on, about entry into temples, are there written trusts in the case of most Hindu temples or are there merely traditional trusts?—All the older temples are traditional trusts as I think, but also there are huge inscriptions in the temples themselves which declare for whom and on what occasions these trusts were created; but I have not carefully studied it. My general impression is that the older the temple, the more difficult it will be to find out what will be called written trusts creating them.

10,358. Do the Courts at present interpret the effect of traditional trusts? Do they recognise them?—Probably some lawyer friends of mine can better answer it; I am not a lawyer. I believe they do.

Sir Hari Singh Gour ] They do recognise them

Lord Rankeillour.

10,359. And what you want is, you want the Governor to veto any law. Do you want him to have the power or the obligation to veto any proposed law that breaks the traditional trusts?—Before allowing any such Bill to be introduced, I would ask him first to consult those who would be affected.

10,360. That would be one of the questions?—At the first stage. After introducing a Bill and if the Bill is passed in the manner that I have suggested for Indians with two-thirds majority of the representatives of the community affected, then even if any new information comes to him under which he thinks that it is a dangerous law, of course, the final veto of it will always rest with him.

10,361. This is one of the sort of things on which he should consult the religious authorities?—Beforehand, even in the initial stage.

10,362. Would you allow him, if he were in any difficulty, to put a case to the Courts on a matter like this?—I should have no objection to getting the Courts' opinion also on such matters.

10,363 I am not quite sure whether you agree with a suggestion which I think Mr. Bannerjee accepted, that the Panchayats might elect a representative to the Provincial Assemblies? Do you agree with that?—I am strongly in favour of it when the Panchayats are properly constituted.

10,364. Perhaps I need hardly ask you—you have read the Schedule of Depressed Classes?—Yes.

10,365 And you do not agree with that distinction?—The Depressed Classes, which are called, I suppose, some other classes in the census, are all of very recent growth, their different associations are of very recent growth. So far as I know, I must say this, that for four years I, myself, went from village to village to the Depressed Classes in my constituency, even on this question of trying to take them into the temples. I got the consent of the religious heads to say that with some ceremonies and expiation and all that, if they gave up certain sinful acts, as we consider them, subject to all that, they might be taken into the temples. After getting the co-operation of my religious co-workers, I went into the villages and tried to do propaganda. What happened was that when I went to the Depressed Classes they said: "We want food and clothing. Give us food and clothing; we do not want temples. What we want is cheaper food and cheaper clothing. We have got our own temples and are quite satisfied." This is my experience after four years of work in trying to get the Depressed Classes into the temples.

10,366. What I was thinking of more was the question arising on preparing a register of electors. We had in evidence that there would be no difficulty in scheduling on the register anybody belonging to these scheduled castes, and marking them as so belonging?—I looked into some factors and figures in the census. I find that the literates among these classes are very small in percentage. They are called Extraneous Castes, I think, in the census of 1931. For Madras, for instance, the population is 7.2 million, and only 1.4 is the percentage of literacy. In Bengal it is a little better, 5.5 is the percentage

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of literacy. In the Punjab it is 0.8, and so on—the census figures give that. With this huge illiteracy, I do not believe that any scheme of franchise directly given to them would help them. They will be simply led by whatever the agents of the various candidates go and tell them.

10,367. You do not want them classed separately for electoral purposes?—They are not a separate caste at all; they are part of the Hindu community. (Mr. Bannerjee) May I say something for the purpose of supplementing that answer? There is, in our opinion, a fundamental fallacy on the line of the expression “Depressed Classes”, if by that is meant that there is some class of our Indian society called the Depressed Classes to be distinguished from the caste-Hindus. The Depressed Classes themselves are divided just like the caste-Hindus, among any number of castes. There is no common bond between these different classes. They do not inter-marry; they do not form one class so as to be entitled to be labelled as “Depressed Classes.” Consequently, between them and the caste-Hindus there is no such difference as regards interest, as sometimes there is believed to be.

Marquess of Zetland.

10,368 Is it not a fact that amongst some of these so-called Depressed Classes caste restrictions are even more rigid and more rigidly observed than they are amongst some of the higher castes?—That is perfectly correct.

Major Cadogan.

10,369. There is only one question I should like to ask Mr. Acharya. I gather from what you say in your Memorandum, that an elected representative of the people in any Legislature would have considerable difficulty in keeping in touch with, or ascertaining the views of its constituents, under existing conditions? Is that your view?—(Mr. Acharya.) Yes. In my own experience, I had only about 22,000 electors and I had attempted to meet them on certain occasions. I sometimes sent them pamphlets, and so on. It was very difficult for me to meet them and consult them on any important measure. That is my own experience with even 22,000 electors, but the area was 200 miles by 50 miles, or nearly 10 000 square miles in area, but even there I found a difficulty. Now I think, roughly speaking, the

White Paper proposes to create about a lakh and a-half voters in every district I should consider it would be a very huge electorate and impossible for an average representative to come into touch with them even two or three times a year.

Sir Joseph Nall.

10,370 In your joint Memorandum, No. 72, the second paragraph, you say you want Second Chambers, both Provincial and Federal, to represent Learning, Religion, Landed Interests, Commerce, Industry and Labour I do not want to repeat a question that has been already answered. I want to be sure that you have said how you would ensure the assembly of such a body. Would they be elected or would they be nominated?—I believe they would be elected by the interests that I have specified, and in the rough scheme that I have given for Madras, they will certainly be elected. The landholders I divide them into five groups. There are about 25 districts, North, North-West, Central, South and South-West. Each group would elect two members; that is 10. Commerce and Industry: I will divide them into five areas as the Presidency is at present; that will be 10. For Learning, I give for the three Universities, 12; two for Hindu Learning and two for Muslim Learning, that will be 16, and so on

10,371. The only other question I want to ask is this. You told the committee that you believe that you represent the vast majority of the Hindu people, and you have drawn attention also to the fact that a very large proportion of those people are illiterate, and unable to understand Provincial or Federal politics. Could you say what steps the body or organisation you represent take to give some sort of elementary instruction to that great illiterate mass of your people?—Yes. I am very glad you have put that question. The illiterate Hindu who does not understand the larger political questions because they are foreign to him, understands almost innately what may be called the religious ideals of life; and upon huge religious occasions, we call them festivals, and so on, hundreds of thousands of these illiterate people gather for what are called religious purposes. For instance, a few months ago there was a great festive occasion for about 10 days; we had to put up something like 20 platforms and we had

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20 sets of pundits talking from each platform to probably 5,000 to 10,000 people, and this was carried on for eight or 10 days at a stretch. On another occasion there were as many as 40 or 50 platforms and in Allahabad and Benares and all the various important religious places these people come in, and we have got thousands and thousands to whom we make special arrangements for enlightening them upon the work that the Sangha is doing.

10,372. But this is on special occasions and for great assemblies of the people. You have told the Committee that you attach the greatest importance to rural or village autonomy. What steps are taken in the villages under your guidance to enable the people to understand the ordinary elementary matters of Government?—We have not yet been able to go into the villages. We rather get the village people to come to us, where we deliver these partly religious and partly political lectures, but we have not gone into the villages yet and made any organisation. In fact, we consider that should be the function of the Government.

*Chairman.*

10,373. Have you directly interested yourself in any schemes of village welfare?—As I said, personally, my Lord Chairman, I was trying to deal with this question of the removal of untouchability on lines consistent with what I call the religious ideals. That is one thing which I tried to work personally.

10,374. You misunderstand me. Have you propagated any ideas or suggestions as regards the improvement of village sanitation, the amenity of the village, and so on?—Not yet, my Lord.

*Sir Reginald Craddock.*

10,375. Mr. Acharya, I understand your position as regards legislation affecting religion is based upon the Proclamation of Queen Victoria. Is that how you regard it?—Yes. I have got, in fact, Queen Victoria's Proclamation. I put it once personally to Sir John Simon when I met him. He said the Queen had issued Her commands to all those who were in authority under Her. That is the very phraseology. This is the Queen's Proclamation, which I would very much like the Committee to give special attention to: "Finally, We declare it to be Our royal will and pleasure that none

be in anywise favoured, none molested or disquieted by reason of their religious faith or observances; but that all shall alike enjoy the equal and impartial protection of the Law: And We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with the religious beliefs or worship of any of Our subjects on pain of Our just displeasure". My contention is that this Proclamation of the Queen, which almost everybody in India has heard of, should be implemented, because I contend that the powers of the British Government, or the limitations which at present the British Government is under, will certainly pass on to the new Legislatures, and if now the British Government cannot interfere and make religious laws for us, no more can the new Legislatures which inherit their powers from the British Government, make such laws. That is our contention.

10,376. I must just ask you about the Poona Pact. I understand your objection to it is that the persons who signed that Pact on behalf of the Hindus did not, as a fact, represent genuine Hindu opinion?—In fact, we never knew that there was any Pact at all coming. We only read in the papers that Mahatma Gandhi was under a fast and his friends went up to him. We read of the Pact only after it was cabled to and accepted by the British Government on the 26th September, and on that very day some of us were on a deputation to the Viceroy, and we put in our protest against it. The whole thing was concluded without any communication to the bulk of the people. Therefore, there was nothing like a pact between the two communities at all. Excepting the Pandit Malaviya, and he has since withdrawn from what are called the implications of the Poona Pact openly, excepting him, no other signatories to the Poona Pact might be said to be in touch or in close sympathy with the Orthodox Hindu majority. Therefore, we say that that Pact was no pact by the Orthodox Hindu community. In Benares there was a meeting of 10,000 people. I got a telegram on the 26th September as soon as this was published in the newspaper. It was a huge meeting held on the banks of the Ganges at Benares and it protested against the Pact, and I have myself written to the Secretary of State, as I have mentioned in my note.

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10,377. You have stated your belief or knowledge that the Pandit Mohan Malaviya has now departed from the view he had when he signed the Pact?—I do not know what he thought or what his intention was in signing, but he has since openly published in the papers that he does not agree with Mr. Gandhi in what Mr. Gandhi calls the implications of the Pact.

*Sir Joseph Nall.*

10,378. That is very different from repudiating his own signature to the Pact?—He does not repudiate his signature. He puts his own implication upon it, which is worse. He repents having led the general public to think that he was also a party to all that the heterodox reformers say about it. That is what he realizes.

*Mr. M. R. Jayaker.*

10,379. Has he ever withdrawn his consent to the proportion of seats given to the Depressed Classes?—That is for Mr. Jayaker to find out.

10,380. Are you aware of anything Pandit Malaviya has done by which you can say he has withdrawn his support or consent to the political aspect of the Pact, meaning thereby the Depressed Classes getting so many seats in the several Provinces?—We ourselves are not now very particular as to how many seats anybody gets. I have not objected, nor do my friends. We say the whole Pact was an unreality; it was an untruth to say the Caste Hindus were a party to it. This is not a fact.

10,381. Can you point out to the Committee any definite act or utterance of Pandit Malaviya by which you can say he has withdrawn his support from the arrangement about seats for the Depressed Classes in the several Legislatures and in the Centre?—I cannot answer that question because that question was not put by me to Pandit Malaviya when I met him two or three months ago, but I believe he would greatly modify it now.

10,382. You cannot lay your hands on any utterance by him upon which you can put that interpretation?—I can lay my hands on one utterance which leads me to believe he will greatly modify the Poona Pact if he were going to sign it to-day.

10,383. "He will modify it," but has he done so far?—Because the occasion has arisen for him to do so

*Sir Reginald Craddock.*

10,384. I suppose if it had not been accompanied by Mr. Gandhi's threat to fast unto death, the Poona Pact would not have been entered into at all?—I suppose some of the signatories were anxious to save his life and perhaps the Hindu reformers thought it was their opportunity. Each signatory, perhaps from his own standpoint, was a party to it; but the chief reason given in the papers was Gandhi's life being in danger, while from the orthodox religious point of view is very sinful for a man to say he will die for this or that.

10,385. You do not approve of what is called "sitting Dharana"?—We do not approve of it for political purposes.

10,386. You know it is prohibited by the Hindu penal code?—It is prohibited by our religion. I am not a lawyer; I suppose it must be prohibited by law also.

10,387. Were you ever a Member of the Madras Legislative Council?—No, but the elections for both the Assembly and the Council took place simultaneously and some of the candidates for the local Council were also working with me. I therefore know how the elections for the local council were conducted.

10,388. You were present at the polling booths?—Yes; there were, of course, different tables put in, one for the Assembly and one for the Provincial Council. That is how it was done. I knew very well what was going on.

10,389. How did the illiterate people record their votes?—They were being brought in by the agents of the candidates and hustled in to vote for this man or that man. Very often they forgot for whom they should vote, and in many cases they asked the polling officer, in a general way, to put the mark for Mr. Acharya or Mr. Malaviya or whoever the candidate was, and they did not know for whom the mark was put in. They simply asked the polling officer to put in the marks. That is what I saw with my own eyes.

10,390. With regard to the Depressed Classes, who are now called the Scheduled Castes, the disabilities in many cases would be common to all Hindus, would they not? If someone, whether he is an Englishman or whether he is another Hindu of a lower caste, approached a man's food, that would cause him to destroy the food?—Yes; that is our Hindu conception. Our eating takes place in a very secluded place.



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We do not allow others to see it or to touch it. We think it is polluted if others see it.

10,391. That applies to everybody, whether he is a Hindu or a Christian?—Yes, the Orthodox Hindu will not allow even the ordinary Caste Hindu to see his food who is not a relation of his.

10,392. A good deal of the disabilities under which the Depressed Classes are said to labour are disabilities which apply to other Caste Hindus?—We do not consider them as disabilities of which anybody would complain. There is no right taken away or disability imposed. It is a necessary thing for a man to have clean food. These animal functions he must perform in as much seclusion as possible. There is no disability imposed.

10,393. What do you say about low castes not being allowed the use of village wells?—There are different wells; and amongst the caste people there are different divisions and there may be different wells for the different communities of the caste Hindus also.

10,394. Sometimes there is only one well in the village where it is difficult to get water supply?—In South India, as far as I know, there is not this difficulty. Probably from different sides of the well, each section or each community may be allowed to draw the water, not from the same part of the well, or something like that. I really do not know what conditions exist in Northern or Central India, but in Madras Presidency there is no such difficulty as paucity of wells to that extent (Mr. Bannerjee). In Bengal the difficulty does not arise because all the Depressed Classes are allowed to draw water from the common well in common with the caste Hindus.

10,395. I know of instances where the lower castes had to go four miles for their water in hot weather, because they could not get it from the only village well?—(Mr. Acharya.) In some places all the people go three or four miles for their water. The salt water will be found in one well. The good water will be found in a well four or five miles away, and they all go for that.

Miss Puckford.

10,396. I think you said in answer to previous questions that you were in favour of indirect election to the Pro-

vincial Councils from the panchayats when properly constituted?—Yes.

10,397. Mr. Deshpande in Memorandum No. 64 under the heading of "Federation" says "We are in favour of direct elections to both the Chambers" of the Federal Assembly?—(Mr. Deshpande) Yes.

10,398. Would not the objections which have been raised to direct elections to Provincial Councils be much greater with regard to the Federal Assembly?—I said I want direct elections to both Chambers, Provincial as well as Central.

10,399. You do not think the objections raised by your colleague are insuperable?—Yes, therefore I say that so far as the Franchise is concerned it should be kept as it is, and there is no difference between my colleague and myself, I think.

10,400. You do not think the large size of the constituencies is a bar to the member being in touch with his constituents if they are small in number?—It may happen, but there is no such difference of opinion, as I would say.

10,401. Does Mr. Acharya agree with direct election for both the Chambers of the Federal Assembly?—(Mr. Acharya.) My strong personal view is that it is a question of weighing the advantages and disadvantages. If we get the village panchayats established all over India, then the number of the village panchayats would be so many thousands, and the number of voters will be perhaps some millions, so that the objections to what is called indirect election from a small body of voters will not apply, and that will be the best way, but till then some transitory provisions will have to be adopted. It may take some years for the village panchayats to be established on that large scale.

10,402. Then you are not altogether agreed on this problem. With regard to the Second Chambers, I think there is not complete agreement on that point?—I think there is complete agreement on the Second Chambers. (Mr. Deshpande.) There is complete agreement because Mr. Acharya says it will be a long time before those rural panchayats are formed. Until then he is not opposed to direct elections.

10,403. With regard to Second Chambers I think your Association is not agreed on that point as Mr. Bannerjee does not wish to have a Second Chamber?—(Mr. Bannerjee.) That was my

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personal opinion, but since then we have submitted a joint Memorandum in which I have referred to the opinion of my colleagues.

10,404. How far are these personal opinions, and how far the opinion of your Association?—A joint Memorandum has been submitted which represents our unanimous views.

10,405. Have they been submitted to your Association?—The Joint Memorandum was drafted only the day before yesterday, but we are in full possession of the instructions of our Association. That is what we say, that the Joint Memorandum is backed by the authority of the entire Sangha. (Mr. Acharya.) Our organisation as a body put this before the Viceroy in September last, and in March last this demand for Second Chambers, and a copy of these Memoranda have been submitted to the Secretary of State also from the organisation as a whole.

10,406. Then that is only Mr. Bannerjee's personal opinion?—Yes.

10,407. He is not supported by any other members of the Association?—(Mr. Bannerjee.) No, not at least by my colleagues. There may be a minority support in the Association. That is my personal opinion still, but that is a different matter.

10,408 Under heading A, "Problem of Depressed Classes," of Mr. Acharya's Memorandum No. 65 you say, "The Sanatanist majority, whose daily lives are cast in the closest proximity with the Depressed Classes, know their wants better, and are ready to do all they can to help these unfortunate countrymen"?—(Mr. Acharya.) Yes, Madam.

10,409. Can you tell me what steps your organisation is taking to help them, particularly with regard to education?—Yes, so far as our province is concerned, or my district is concerned, the depressed classes are mostly engaged in agriculture, and we are giving them as much help as we can. We allow them to till our lands and practically they take as much as they can take and give only the remainder to us. That is the help they want most. In the matter of education there are now village schools being established to which all are allowed to go, and we try to help. The great difficulty is how to get the little boys to go to school. If a boy goes to the field he will earn so much. In some cases we give them help, not in rupees, annas, pice, but in corn,

which they want, and we help them to send their children to school in many cases.

Mr. M. R. Jayaker.

10,410. That is the only help you give to the depressed classes?—That is the only help they want.

10,411. Have you started any schools or charitable organisations for their benefit?—We have not started them for ourselves in the first instance, how can we help others? The whole thing is in the melting pot.

Sir Hari Singh Gour.

10,412. Charity begins at home?—Yes. How can we help others?

Mr. Davidson.

10,413. I am rather puzzled to know what your organisation does represent. In one passage of Memorandum No. 70 you say you represent 95 per cent of the Hindu community?—That is my calculation.

10,414. But your organisation, I understand, has only been in existence for four years, because it says so in the same sentence?—Yes.

10,415. How do you calculate the fact that you do represent 95 per cent.?—Because the views put forward by the Association are the views that have been held, and have come down to us, and are held in common by all the Hindu Orthodox majority, which I claim to be 95 per cent., and, as I explained a little while ago, we have held meetings in every province where thousands of people have come, and where we have explained these things, and they are in full agreement with the views that have been put before them, and they are strongly backing us up in every province. In the last four years we have had as many as five huge conferences at Benares, at Calcutta and Gururwayur, where there was a great fight going on at one time, and at Delhi, and so on, and almost every month, or two months, there are huge festivals or occasions where we meet these orthodox followers of ours, and to thousands of them we explain our propaganda, and it is being accepted by them, and therefore we claim, and we have not heard anything to the contrary, that we represent the orthodox majority view. The opposition comes in from the vocal heterodox minority.

10,416. If my memory serves me, my recollection is that at the Second Round

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Table Conference Mr. Gandhi made the same claim that he did represent the whole of the Hindu population of India?—I am not responsible for what he says.

10,417. Would you accept that?—I do not accept Mr. Gandhi's claim.

Sir A. P. Patro.

10,418. May I suggest that Dr. Moonje yesterday made a claim that the Hindu Mahasabha represents 95 per cent. of the Hindu population of India?—Exactly. It is now open for the intelligent Committee here to assess the various claims. We all claim the same thing, and it is open to you to decide. I would suggest that some of you should visit India, and let there be a big conference held of the Mahasabha in some place. Let us also hold a conference and Sir A. P. Patro can visit it, and let him see how many thousands come to us, how many thousands to the Hindu Mahasabha, and how many to Congress. That will be the test.

Sardar Buta Singh.

10,419. Are you prepared to hold such a conference in Lahore?—Yes, there is a Sangha in Lahore, which is sending reports to us.

Mr. Davidson.

10,420. Would it not be possible that a great number would go to both Conferences?—I claim that a much greater number would go to us.

10,421. Turning to another subject in the last paragraph of Memorandum 66, in discussing All-India Federation, you state that in your opinion responsibility at the Centre should not be delayed, and "in any case, whether the Central Government be Unitary or Federal, it must be responsible for the Military Defence, and the orderly progress and development—economic, mental and moral—of India as a whole." By that, is the Committee to take it that you disagree with the reservation of Defence under any scheme, whether Federal or Unitary?—I do not quite follow.

10,422. It is paragraph 4 of the Memorandum dated 12th July, 1933. It is entitled "All-India Federation"?—Yes, that is what I have said. What I mean by that is that the Government must be responsible, otherwise it will be no Government.

10,423. The question I was asking was, do you mean by responsibility, a respon-

sibility of the Ministers, without reservation to the Governor-General or the Viceroy of certain Departments?—I was referring to the All-India Federation when it came into existence, and when it did come into existence with responsible Government at the Centre, whether Federal or otherwise, it must be responsible. It has not come into existence and, therefore, I do not see how I can answer it. I was not referring to what is called the division that is drawn between the Governor-General's powers and the Legislature at all there. I was talking of the Government, as a whole, when it comes into existence.

Lord Irwin.

10,424. What you mean is that Defence would have to be a matter run by the Government of India, of whatever sort, as distinct from the Provinces?—Yes, that is what I mean, and when the full responsible Government came to be established at the Centre, that responsible Government would be responsible for the Military Defence also.

Sir Hari Singh Gour.

10,425. That is just what you do not mean, if you read the passage?—"In any case, whether the Central Government be Unitary or Federal, it must be responsible for the Military Defence." That is what I am saying, whether it is going to be Central, Unitary Government or Federal Government, in the long run that Government will have to be responsible for the whole Government of India, including Military Defence.

Lord Eustace Percy.

10,426. Mr. Acharya, I want to understand what your practical advice to this Committee is. You are in favour of full Provincial Autonomy. Is it not so?—Subject to vesting in the Governor power to discharge his special responsibility on special occasions.

10,427. Full Provincial Autonomy as proposed in the White Paper?—Yes.

10,428. But you do not want that Provincial Autonomy to be conferred on the present Provinces?—I would not put it in that form. If the present Provinces could be redistributed and made more homogeneous, I would prefer that, but I will not wait for it. I will have Provincial Autonomy introduced pending the redistribution of the Provinces.

10,429. Do you suppose that you can have the Provinces reconstituted on the

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basis you propose, not more than 50,000 square miles each, after the present Provinces have been made autonomous?—I know it will be difficult. Once we start the thing, it will be more and more difficult as we go on, but still it is a kind of compromise; it is only a suggestion made. I cannot say on what lines exactly the Provinces should be divided, because I did not fully go into that question. It is only a suggestion.

10,430. But you wish the Provincial Autonomy to be conferred on the present Provinces anyway at once, do you?—Provisionally, certainly, pending the redistribution of the Provinces, which may take time.

10,431. I will pass from that point. Then in those Autonomous Provinces, you wish all representation to be based on village Panchayats?—In the long run, yes.

10,432. But immediately you wish what, in regard to the franchise?—It is a very complicated question; it will have to be very seriously gone into, because the franchise proposals contained in the White Paper are so different for the different Provinces. In a general way what I would say is that the present numbers are too huge, and there must be, probably, a great reduction by 50 per cent., as I said 18,000,000 illiterates out of 38,000,000 voters.

10,433. You wish then to have a higher franchise, but a direct franchise?—During the transitional period until the Panchayats are all established.

10,434. Then how are the Panchayats to be established?—The Panchayats may be established on adult franchise, because the villagers know their own village problems very well, and can vote.

10,435. But you point out that although local self-government has been made a transferred subject under the Montagu-Chelmsford Constitution, not a single Panchayat of the kind that you wish to see has been established?—Yes. That is due to the wrong hands in which self-government has been working all this time. I tried to introduce a kind of village autonomy Bill in the Legislative Assembly when I was a Member, suggesting the lines, but I was told it must go to the Provincial Councils, and it was not approved. Somehow the Department said it was a Provincial matter and must go to the Provinces, and could not be dealt with in the Central Legislature. It was returned to me. Therefore, each Province should be allowed to take

it up seriously. If now we say in the long run or finally that the Members of the village Panchayats shall elect their representatives to the Councils, then I think everybody will hurry up and try and introduce in each Province a village Panchayat suited to the conditions of the Province.

10,436. But your franchise, to start with, is going to be the same franchise as at present, more or less?—But a little higher, more or less, we were suggesting temporarily, so as to reduce the number of voters to about half of what is now suggested.

10,437. Do you suppose that the Minister of local self-government in the Provinces in future is going to be a very different man from the Minister you have had in the past?—No. If it is definitely so put in the recommendations of this Committee that very soon the village Panchayats ought to be constituted and they should form the final franchise from which elections will take place, then I think they will all pay more attention to it, certainly.

10,438. Do you propose that any provision should be inserted in the Constitution?—Yes, that will be my humble suggestion. These being only temporary provisions, the final scheme will have to be so indicated as to provide for village Panchayats in every Province.

10,439. Do you mean that the Imperial Parliament is going to enact a Constitution only for a term of years, and is then going to enact a new Constitution?—No, I do not mean that. I think the scheme may be sketched in its entirety, subject to transitory provisions during the temporary period. The whole scheme will come automatically to work, when the conditions are developed.

10,440. Then I gathered from your answer to Lord Salisbury that you did not want responsibility at the Centre to be established until the Provinces had worked as Autonomous Provinces on the new franchise which you propose?—I said that the Central responsibility could not come, as a matter of fact, until the units were ready that will go into the Federation.

10,441. And those units must be based on your indirect franchise before Central responsibility can come into effect?—Not necessarily. That is only the improvement of the Provincial Autonomy in each Province, but provisionally, within the next four or five years, Provincial Au-

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tonomy may come into all the Provinces, and Central responsibility may come in some measure immediately. That is what we have said in our last Memorandum. Public opinion demands some measure of responsibility in the Central Government.

10,442. But am I wrong in thinking that Mr. Bannerjee appeared before us on behalf of the Hindu Mahasabha two days ago, and that the Hindu Mahasabha proposed at that deputation, that there should be immediate full responsibility at the Centre?—He has signed here this Memorandum for us, but he signed the other Memorandum, too. (Mr. Bannerjee.) May I explain my position? I did not wish to come at all as a Member of the Hindu Mahasabha Deputation. I was asked to come for the purpose of deposing only upon the Poona Pact, and I confined myself strictly to that. I did not speak upon any other subject.

10,443. You are not responsible for any other proposal?—As regards those proposals, I have no opinion. We have submitted a joint Memorandum, and that expresses my opinion.

Mr. A. H. Ghuznavi.

10,444. You referred to the Sarda Act. You were a member of the Legislative Assembly when the Sarda Bill was introduced?—(Mr. Acharya.) Yes.

10,445. And you were a member of the Legislative Assembly when the Sarda Act was passed?—Yes, along with my Honourable friend.

10,446. According to the definition that you have given here of the real Hindus, may I put it to you that the real Hindus were opposed to the Sarda Act?—Yes, they were.

10,447. And, according to the same definition, the real Muslims also opposed the Sarda Act?—Very strongly they did.

Sir Hari Singh Gour.

10,448. Mr. Ghuznavi being one amongst them?—Yes

Mr. A. H. Ghuznavi.

10,449. And Sir Hari Singh Gour was amongst the others?—Yes

10,450. In spite of this opposition it was passed?—It was passed by what may be called the Government bloc votes, otherwise it would not have been passed—40 group votes.

10,451. And the nominated members?—Yes.

10,452. The White Paper provides for the new constitution where there will be no Government bloc, no nominated bloc. What is your apprehension that such Acts, which will interfere with your religion, will be passed?—Because, firstly, the new Legislatures will be quite as heterogeneous as the old Legislatures.

10,453. You say you represent 95 per cent. of the real Hindus. Why not go into the country and get yourself elected?—Because, on political matters, as I have already explained, the vast bulk of the Hindus are more or less indifferent. They are only now beginning to understand how the Legislatures are affecting their religion, and it takes a long time. The heterodox have been in advance of us in political organisation, and it takes a lot of us to combat with well organised parties that are working in constituencies on modern lines. It will take a long time. Twenty or thirty years hence we may not need them. Later on from the various Hindu constituencies the proper sort of members may come, but, in the immediate future, we, in fact, elect for the various Legislatures leading lawyers, for instance, who are eminent as lawyers and as public men, and so on, without much reference to the religious opinions they hold. That is why a good many of our heterodox countrymen become elected to the Legislatures without reference to their religious views, but from the political or property standpoint.

10,454. Does that mean the orthodox Hindu would not be able to capture a large number of seats?—A large number they will capture. The majority they will capture in the immediate future.

Begum Shah Nawaz.

10,455. You represent 85 per cent. of the Hindu community. Could you tell me if you have any women members of your organisation?—Hundreds or thousands of them, and on some of our platforms some of our learned lady sister members have spoken eloquently on old Indian ideals and modern political ideals.

10,456. Do you have their full support for this Joint Memorandum?—I believe we have.

10,457. You said in answer to a question from Lord Lothian this morning that you regard the Sarda Act as against the principles of your religion?

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—There again is a slight misunderstanding. The Legislative interference against performing sacraments is against our religion.

10,458. Any social legislation of that kind?—Legislation which interferes with the religious sacrament. If it is a question of saying a girl should not become a wife before she is 14, I and many of us personally would not have any objection, but if it is a question of saying that the sacrament of marriage, a most important sacrament for women, should not be performed until some heterogeneous people say it can be, then it is interference, and I am against it, and that is the Sarda Act. I made it perfectly clear in the Legislative Assembly in the old days.

Mr. M. R. Jayaker.

10,459. Do you mean heterogeneous or heterodox?—Both.

Begum Shah Nawaz.

10,460. Hindu law does not recognise widows' re-marriage, divorce, or women's rights of inheritance, whether as mothers, wives or daughters. Would you be so kind as to tell the Committee whether if in the future Legislatures some legislation affecting any of these matters is introduced, you would regard it as against the principles of your religion?—The Hindu religion recognises the divinity of motherhood, and every woman in the household is revered as an aspect of divinity, and that is the highest place any community can give to womanhood.

10,461. That is no answer to my question. What I want to know from you is this: You would regard any social legislation affecting any of these matters like divorce, widows' re-marriage and women's rights of inheritance as against your religion?—Each measure will have to be judged on its own merits. Some measures will conflict with religion, others will not. How can I give a general answer? Women, I believe, have rights of inheritance, and can be guardians to their minor children, and so on. I do not know exactly what is meant by such a general question as that.

10,462. Does a daughter inherit the property of her father?—If the father has no male children, I suppose she does.

10,463. Not in every caste?—These are details into which, of course, we cannot go. As I said that will depend upon each measure of legislation that is proposed.

10,464. If there is any social legislation regarding any of these measures, would your organisation be prepared to support it, or would it be against it?—If there are any measures proposed (these words "social legislation" are so very vague) which are healthy and consistent with our ideals my organisation would support them.

Sir Manubhai N. Mehta.

10,465. I have two or three questions to ask. Is Mr. Acharya a believer in morality?—May I know what morality is before I give an answer?

10,466. What we in law call morality?—To me morality and religion go together. I cannot think of morality as any higher sanction than religion. I am a very humble and devoted supporter of religion.

10,467. You do not anticipate any conflict between religion and morality?—Right religion and right morality never conflict.

10,468. Who is to decide whether it is right religion or right morality? The Courts of Law or Priests?—In individual matters the individual would decide; in communal matters the heads of each community, and in the matter of religious organisations, the heads of such organisations.

10,469. I have had the pleasure of hearing Mr. Acharya's views about suttee. He is in favour of voluntary suttee, but he is against enforced suttee. May I know in what way voluntary suttee differs from an attempted suicide?—It is not a practical question because we have no case before us on which to judge. It will depend on the merits of each case. I have heard of an instance where a wife who lost her husband was so shocked that within three hours she simply went and lay down and was found dead. I consider that is a kind of suttee, and I honour that ideal of wife.

10,470. If she had not died would the law have taken some steps against her for an attempt to commit suicide?—I do not know if that is the law; it would be a very unfortunate law. I am no authority on it.

10,471. I will quote one or two instances and ask Mr. Acharya if he considers it to be more or less opposed to public policy or is it in favour of public policy? I believe Mr. Acharya knows the practice of human sacrifices?—They do not exist in India to-day.

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(Mr. Bannerjee) They do not exist amongst the Hindus.

10,472. If they do exist, would he regard it as in accordance with religion, custom and usage?—(Mr. Acharya.) These are hypothetical questions. They do not exist. If they did exist I do not know what answer I should give.

10,473. Mr. Acharya, Mr. Bannerjee and Mr. Deshpande have all said (I heard it in Mr. Acharya's formula to-day) that the Legislature should not take up any law that would conflict with existing religion, practice or usage. If by existing practices a human being can be sacrificed, would Mr. Acharya regard it as a defensible proposition?—There is no such custom anywhere in India, to the best of my knowledge. (Mr. Bannerjee.) We provide for circumstances which exist or which may exist. We do not provide for circumstances which are absolutely and entirely hypothetical and which conflict with realities.

10,474. There is the practice of female infanticide. Would you regard any law prohibiting that to be against religion?—No. (Mr. Acharya.) I do not know if there is any such practice. As I say, each case will have to be judged on its own merits, with the facts before us.

10,475. How have you dared to come to England and to cross the seas?—(Mr. Bannerjee.) That is a matter for personal decision. We do not permit any cross-examination on that (Mr. Acharya.) I am prepared to answer. Ordinarily an Orthodox Hindu is not allowed to cross the seas, but extraordinarily because the higher ideals of my land are being terribly exploited by heterodox de-nationalized leaders, at the sacrifice of my personal religion I have come here.

10,476. You will have to pay some penance?—Yes. When I go to my home at Madras I shall have to perform some expiatory penance for it.

Chairman.] I ask the Committee and Delegates not to put questions which cannot add to the information of the Committee.

Sir Manubhai N. Mehta.] When the witness says the Legislature cannot attempt any laws which go against practices and religions, it is too large a claim.

Chairman.] I hope my friend Sir Manubhai Mehta will agree that the matter has been sufficiently investigated.

Sir Manubhai N. Mehta.

10,477. I will go now to another question. You have quoted Her Majesty the Queen's Proclamation as a very good safeguard, and your colleague, Mr. Deshpande, begins his memorandum by saying that it is the King who makes the time and not the time that makes the King. Mr. Deshpande, in paragraph 16, says, approvingly: "It is the adhesion to this solemn guarantee which is of such vital importance to-day. Every State in the world has a right to control its ecclesiastical affairs." I therefore ask Mr. Acharya whether, if the Indian Legislature claimed to control the ecclesiastical and religious affairs of the country you would object to it?—That is not my memorandum.

10,478. I am exposing the differences in the Varnashram Swarajya Sangha?—We have submitted a joint memorandum.

10,479. I am, therefore, exposing the fact that they themselves are not of one mind?—(Mr. Deshpande.) May I explain the position? That is really so, but it is said there that the State does not interfere with such rights; the rights are not vested in the State.

10,480. You place complete reliance on the authority of the spiritual gurus; you bring them, also, into the Second Chamber. May I tell you that I have consulted one or two spiritual gurus—you know there are the five mathas—and two or three of them authorise a certain amendment in the law. I will give you one instance. As Minister of Baroda, I consulted the Shankara Charya—he was the Shankara Charya of Sharda Math at Dwarka; he approved of the raising of the marriageable age of girls. He also approved of raising the age of consent of girls. Would you regard that as authoritative?—(Mr. Acharya.) I am unable to give an immediate answer. If he did so, that is one single opinion. We shall have to find out what are the opinions of all the others.

10,481. I will give you another instance: I consulted another guru, the Shankara Charya of Jagadish Math, who was sent to gaol before but afterwards became the Shankara Charya of Jagga-nath Puri. He also advised me to take up the question of permissive early marriage in Baroda. Would you regard that opinion as authoritative?—I would suggest to the gentleman that he might circulate his questions to all the recognised religious heads in India and



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[Continued.]

abide by the opinions of the majority and not get individual opinions.

10,482. The opinion of individual gurus is not authoritative?—To individuals it may be, but not to the community as a whole.

10,483. Who is to decide whether the opinion of this guru is authoritative or not?—Circulate to all gurus and then find out what the majority opinion is.

10,484. You are a member of the Legislative Assembly?—I was until 1930.

10,485. Were you elected by the crowd of electors who were huddled into the polling booth?—Yes; I was elected by a general constituency and I suppose the electors were being brought in practically by some candidates or their agents to the polling booths.

10,486. You believe in village Panchayats, and you say that the village Panchayats ought to be given the indirect election first. Here, also, may I expose the difference between you and Mr. Deshpande. In paragraph 9 of his Memorandum, Mr. Deshpande says: "On the contrary, Reformers, from mostly among whom are recruited the politicians, have a great hold over the rural population"?—Our joint memorandum takes the place of our individual memoranda.

10,487. As you three gentlemen are appearing together I thought I would expose the differences amongst you three and find out whether there is any one mind amongst you three?—So far as the joint memorandum is concerned it is one mind.

10,488. Beyond that joint memorandum there is no unanimity of opinion?—That joint memorandum covers all my fundamental points.

Sir Hari Singh Gour.

10,489. I wish to ask you three gentlemen a question to the following effect. All three of you are agreed that there should be a complete provincial autonomy as sketched in the White Paper?—(Mr. Deshpande.) Yes.

10,490. All three of you are agreed that there must be a responsibility at the centre?—Yes.

10,491. And that no measure of reforms in India would be acceptable to your association which does not immediately grant full provincial autonomy coupled with a measure of central responsibility?—That is so.

10,492. All three of you are agreed on that and that is Clauses 5 and 6 of your

Joint Memorandum. Do I take it that all of you are agreed on that point?—(Mr. Bannerjee.) Yes. (Mr. Acharya.) The question has to be modified. If you will excuse my saying so, Sir Hari Singh Gour is a very old and veteran lawyer and he puts a question which is not sufficiently well expressed. Will you kindly put it again?

10,493. Yes. The question I have put to you is this: In view of the questions that have been addressed to one to you individually and in view of the replies to which you have committed yourselves, some doubt may be raised in the minds of some of us as to your combined attitude on the subject of Provincial autonomy and central responsibility in the future Constitution of India. Therefore I ask this question: What is your united and concerted view on the subject of Provincial autonomy and central responsibility in India?—Paragraphs 5 and 6 of our Joint Memorandum give the answer.

10,494. And anything that may be said to the contrary must be treated as modified by paragraphs 5 and 6 to which you adhere?—Yes. (Mr. Bannerjee.) I think there is no room for doubt as regards our opinion on those subjects. We are for Provincial autonomy and we are for a measure of central responsibility.

Major Attlee.] Are you also agreed that these are "exploded political myths"? In Mr. Acharya's Memorandum they are described as "exploded political myths".

Lord Peel.

10,495. The passage to which Major Attlee is referring says "The Dissenters, however, have a great glamour for Western Democracy, for the 'Dominion form of government', for 'Provincial Autonomy' and 'Central Responsibility,' for Adult Suffrage and other exploded political myths"?—(Mr. Acharya.) I stick to it—"A great glamour for Western Democracy." What is happening in Spain to-day must open our eyes, to the danger to-day.

Mr. Jayaker.

10,496. Are they your personal views or the views of all the three of you?—What you have just quoted is my personal view.

Sir Hari Singh Gour.

10,497. Yes, but you said just now and you have repeated it before, that, whatever may be the individual views of the

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one or other of you, you have now produced this Joint Memorandum, over the signatures of all three of you, by which you all three stand?—(Mr. Bannerjee.) And that must be regarded as the expression of the joint view of the Sangha which we represent

10,498. That must be regarded as the joint and final view of the association you represent?—(Mr. Acharya.) There is no finality for anything under the sun.

10,499. Are you going to change?—All things under the sun change. (Mr. Bannerjee.) That is an abstract philosophical proposition with which anybody would agree

10,500. The three things in this Joint Memorandum upon which you have entered a caveat, so far as I can see, are these, first that the franchise should be limited and not extended to the extent to which it is proposed to be extended in the White Paper?—(Deshpande.) Yes

10,501. The second is that you want the establishment of a second Chamber in the Provinces?—Yes

10,502. And the third thing is that you want some safeguards for religion?—That is the first thing.

10,503. But those are the three modifications you want embodied in the future Constitution, but they are not conditions precedent to the establishment of provincial autonomy and a measure of central responsibility?—(Mr. Acharya.) The Second Chamber is an absolute necessity for provincial autonomy.

10,504. I am coming to that. Last of all you enter a caveat against the Poona Pact?—(Mr. Deshpande.) We do

10,505. Is not that the sum total of your representation?—The first two are conditions precedent, if I may say so, to the provincial autonomy and central responsibility; the others can come afterwards.

10,506. Is that your view, Mr. Bannerjee?—(Mr. Bannerjee.) That is not my personal view.

10,507. You do not agree upon that point? You agree upon what you have laid down in paragraphs 5 and 6 unconditionally?—(Mr. Acharya.) No; subject to paragraphs 1 and 2.

10,508. Is that your view, Mr. Bannerjee?—(Mr. Bannerjee.) That is not my view.

10,509. Therefore, you are not unanimous?—(Mr. Acharya.) We have dis-

cussed the matter and we have probably, even by compromising our personal convictions, come to certain opinions which we regard as points for which we have the authority of our Sangha to put them down in this final Joint Memorandum. About small individual details we may have our opinions.

Sir Austen Chamberlain.

10,510. I understand that you, yourself, think the satisfaction of the first four points you gave is an essential for proceeding to the 5th and 6th?—No i, "Safeguard for Religion," and No ii, "Second Chambers," are conditions precedent to all legislation, whether it is provincial or all-India legislation. Those are conditions to which all new changes and new constitutional reforms are subject. No. i, namely, "Safeguard for Religion," and No. ii, "Second Chambers," are conditions precedent to provincial autonomy. No. iii, "Poona Pact," is only intended to expose how the Poona Pact was not as a matter of fact a pact between two communities, or the leaders of two communities. No. iv, "Franchise for Lower Chambers," is only a suggestion that we make; it is for you to accept it or not. Provincial autonomy is certainly subject to the establishment of Second Chambers. Safeguard for religion is a matter upon which we desire that all future legislatures in India should be conditioned.

10,511. I think I understand that answer. May I put one further question: Does Mr. Bannerjee agree with it or, if not, from what does he dissent?—(Mr. Bannerjee.) I do not dissent from that decision of the Sangha, so far as the bulk of the Hindu community as represented by the Sangha is concerned, they regard the first two as essential conditions.

Sir Hari Singh Gour.

10,512. But not the third or fourth?—(Mr. Acharya.) The third is not a condition at all; the third, about the Poona Pact, is only an explanation of what happened.

10,513. And not the fourth?—The fourth is only a suggestion for a temporary period.

10,514. You regard the first and second as conditions precedent to the fifth and sixth?—To any constitutional reform, so to speak.

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10,515. That is not clear from your Memorandum<sup>2</sup>—We are very sorry that we have not made it clear.

10,516. And Mr. Bannerjee does not agree with it?—He has said that these are the points upon which the Sangha has practically instructed us.

10,517. I will take you one by one. First of all, I will deal with the question of religion which you regard as a condition precedent?—(Mr. Bannerjee.) Yes

10,518. You say that religion should be safeguarded. Would not you give to the minority the same safeguard as you yourself ask for?—(Mr. Acharya.) Certainly.

10,519. How the minority to be protected against the oppression of the majority?—May I have an example of that.

10,520. You are talking of Hindu Societies being divided into orthodox and reform societies?—I do not know if the reform society has any existence of its own. It is made up of individuals who themselves speak about things on various occasions

10,521. You do not recognise the reform section but you recognise the orthodox section?—The orthodox section is, alone, the recognised Hindu society. The others are all heterogeneous.

10,522. Even the heterogeneous section have a right to protect themselves against the orthodox people, have they not?—(Mr. Bannerjee.) So far as religion is concerned we do not agree that there is any oppression practised upon the heterodox section of the community from which they have to be protected.

10,523. The heterodox section, rightly or wrongly, complain that they suffer from your oppression and they want protection?—Will you make out a case for oppression? It is for you to allege instances.

10,524. Unless a tribunal is constituted in which they can ventilate their grievances how are they going to ventilate their grievances?—The question is hypothetical. I want the question to be made clear by a specific instance and by reference to a particular instance of oppression

10,525. Take, for example, the case of the age of consent to which Mr. Acharya referred; the reformers want the age of consent to be raised?—(Mr. Acharya.) They have got it now.

10,526. No; they have not got it?—Nobody is prevented now from having his daughter married under the Civil Mar-

riage Act. There is an Act now giving full freedom to the reformers—the Civil Marriage Act. There are so many Acts now.

10,527. And you want to repeal that?—We are not asking to repeal these things. (Mr. Bannerjee.) What is the oppression against which you want to be protected?

10,528. What is the freedom that the orthodox people want?—(Mr. Acharya.) We do not want interference with our views. As they have the liberty to marry their girls when they like, let us have the liberty to marry our girls at a time we consider is the proper time. We are against it being forced upon us that no father should have the right to fix the marriage sacrament of his daughter at a time he considers right.

10,529. You would not object to optional legislation?—I would not object to the father—and he at present has got it—having the option to perform the marriage of his girl when he likes.

Sir Hari Singh Gour.] I am not dealing with the question of marriage but with the larger question of social reform. Very well, we will leave it at that.

Mr. N. M. Joshi.

10,530. Would you allow the women to have a divorce, Mr. Acharya?—If there are large numbers who desire divorce, I will consider it then. At present they do not want it, and I am not going hypothetically to make laws for them.

Sir Hari Singh Gour.

10,531. The question I wish to put to you about the Second Chamber is that there is a difference of opinion regarding the establishment of Second Chambers in the country, is there not?—There will be diverse opinions on all matters, but I do not think there is any large opinion in the country against Second Chambers except to this extent, that some of the present legislative council members want to have all the power themselves. (Mr. Bannerjee.) Not for the Second Chamber. (Mr. Acharya.) I believe in Madras sometime there was a resolution passed against a Second Chamber, in the Madras Council; and I think they explained it in this way that the present members want to have all the powers to themselves. On the other hand, in Madras also they have an organisation which demanded a Second Chamber.

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10,532. In paragraph 1 of your joint Memorandum you say, "We want that our religion should be absolutely safeguarded. This can be done by enacting that the future Indian Legislatures (whether Federal or Provincial) shall be debarred from passing any measure affecting the personal law or the religious faith"—I want you now to mark the subsequent words "practices, institutions and usages of any community." Would it be right to say that the whole question is between what is laid down in the religious tenets and what has developed subsequently as customary practices?—I do not understand the question. What is the question?

10,533. The whole question at issue between what you call the orthodox Hindu and what you are pleased to call the heterodox Hindu is a difference of opinion regarding the fundamental religious tenets, governing the Hindu, and what has developed subsequently as a result of custom over a century, or two centuries, or whatever you like to call it?—I will not accept that.

10,534. What is the difference then?—The difference is one of fundamental mentality. To the orthodox Hindu religion is the highest thing in life; to the heterodox Hindu it is a thing to be carried in his pocket.

10,535. I am afraid I shall have to ask one or two questions in order fully to understand the difference between the orthodox Hindu and the heterodox Hindu. Your Swarajya Sangha as I know it—I have not read it anywhere, but as I know it from the agitation which is being carried on in India—is opposed to voyages abroad outside the country. Is that correct?—It is not correct.

10,536. You said that after you go back you will have to take what is called Prayaschitta and purify yourself?—That is so, but that is a personal point.

10,537. Whatever Hindu caste you represent?—There is not one law for all castes. Some are allowed to go abroad. It is only some who are prohibited. It is a question to which a single answer cannot be given.

10,538. If, therefore, it was suggested by those who are opposed to you that there should be no excommunication on the mere ground of a Hindu having gone abroad, and that on returning to India he should not be compelled to take the Prayaschitta, as you call it, would you

say that that would be a right step?—It would depend upon the person who made the journey and the justification for his making it, whether it was for personal profit and all that, or whether it was for larger disinterested public considerations.

10,539. Or on the ground of health in order to consult experts in Europe?—Health is a very minor consideration to me.

10,540. Secondly, you are opposed to widow remarriage being permitted. Is that correct? I am now taking you through a few instances in order that the Committee may understand?—Once again, there are castes among whom widow remarriage is permitted, but there are others among whom it is not permitted.

10,541. Therefore, if the State passed a law that there should be no excommunication because a person in a caste has had widow remarriage, would your Sangha be opposed to it or would they favour it?—There is such a law at present on the Statute Book, and we have not raised our voice against it. (Mr. Bannerjee.) We shall not oppose permissive, but only compulsory legislation. (Mr. Acharya.) There is already a Widow Remarriage Act

10,542. Follow my question if you will. There are certain castes in which, owing to widow remarriage, the person who have contracted the marriage and the issues of those people are excommunicated?—I am not aware of it.

10,543. Will you take it from me please? Supposing there are a few castes among whom this is the custom and the State says "This is very wrong and it should be prohibited that any caste can excommunicate a widow who has married again," I am asking whether you would approve of it?—(Mr. Bannerjee.) Excommunication is a social matter; it is not a question of political disability at all, and therefore the Legislative Council as such has nothing to do with it.

10,544. The Legislative Council has a lot to do with it?—You cannot stop boycotting by legislation and therefore you cannot stop excommunication by legislation. It is a form of social punishment, and no Legislative Council can deal with it.

Mr. Y. Thombare.

10,545. It is not a question of the loss of inheritance rights?—No; he was not referring to that. If he were referring to that, it would be another matter.

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10,546. I was coming to that, but I am sure that Mr. Bannerjee is aware that this sort of social excommunication does put a great handicap not only upon the couple, but also upon their issue, and I am asking whether, if you are not against widow remarriage *per se*, your Sangha would approve of such legislation as would put these persons outside the scope of any harassment?—What do you mean by handicap so far as excommunication is concerned? I deny that excommunication imposes any handicap which the Legislative Council can possibly remove. Just as in the political field there is the boycott, and you do not press for a law to abolish the boycott, so therefore in the social field there is excommunication and every society must be left free to judge its members according to its own standards.

10,547. My Lord Chairman, as the witnesses do not intend to give a direct reply to that question, I will pass on to the next one?—I object to that comment. Whatever questions delegates may wish to ask they will ask, but I am objecting to such a comment. I object to the remark that we decline to give a direct answer. We have given as direct an answer as the very indirect question will admit. The question itself, I submit, is wrongly framed. If you were referring to the law of inheritance, I would know what answer to give.

10,548. I am coming to inheritance later on. You know that amongst orthodox Hindus there is no marked disapproval of a man of 60 marrying a girl of 15, 14 or 13 years?—(Mr. Acharya.) There is very great disapproval.

10,549. Therefore, if that were prohibited amongst castes where widow remarriage is prohibited you would approve of that legislation?—(Mr. Bannerjee.) Do you abolish such things in England by legislation? We know such things are done.

10,550. We are talking of India and Hindus, and of orthodox Hindus, of whom you claim to represent 95 per cent?—Yes.

10,551. I am asking whether it is a fact that amongst orthodox Hindus whom you represent here there is any sort of ban on a man of 60 years—I will not go higher—marrying a virgin of 12, 13 or 14 years?—There is great social disapproval of such a custom, but we certainly would ask for legislation upon that matter, as there is no legislation on such

matters in any advanced country like England or America or anywhere.

• Mr. Jayaker.

10,552. I will not pursue this question, but the point of the question is this I think that if what you ask for in your Memorandum were to be granted the Legislature of the future would be made incompetent to pass legislation of this character. I am putting to you a specific question: You are speaking of usages and you say that the Legislature of the future should have no right to pass legislation relating to Hindu usages?—(Mr. Acharya.) Religious usages.

10,553. Let me finish the question and then you can answer it. Supposing a Bill were brought in for the purpose of regulating those usages and preventing a man of 60 years marrying a girl of 10—?—We deny that that is a usage.

10,554. Will you kindly let me finish the question? Would not your formula if it is granted make the Legislature of the future incompetent to pass this legislation?—(Mr. Bannerjee.) No; an aged man of 60 marrying a girl of 12 is not a religious or social usage. There are evils in every community.

Sir Purshotamdas Thakurdas.

10,555. Therefore the witnesses agree that that sort of social legislation is a healthy thing and ought to be encouraged?—That is not social legislation. We shall oppose it on the ground that it interferes with individual liberty.

10,556. If during the last 200 years, not to go further backwards, the Hindus as a community have felt from generation to generation that it cannot be checked effectively except with the help of legislation, on what grounds are you opposing that legislation?—(Mr. Acharya.) On the ground that they are wrong.

10,557. What is wrong; is it the legislation that is wrong, or the practice which it is sought to stop that is wrong?—That their fundamental notions are wrong.

10,558. Whose?—All those who want to bring in such legislation.

10,559. What about those who practice it?—The practice must be put down otherwise than by legislation. (Mr. Bannerjee.) Always by public opinion, as it is here.

10,560. So that even in this case you feel that things must be left to drift for themselves all the time?—(Mr. Acharya.)

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Not at all; I feel strongly that public opinion must be aroused in such a way as to eliminate all the evils under the sun.

*Chairman.*] I venture to think that you have proceeded far enough into this particular topic.

Sir Purshotamdas Thakurdas.

10,561. This is a question, I submit, where the witnesses claim to speak in the name of 95 per cent. of the Hindus, and that is a claim which I very stoutly resist. If the Joint Committee are inclined to take what they have said to-day, either in their written memoranda or in their oral evidence, as being correct, it is my anxiety to put before the Committee from their own mouths, if I can, the other side of the picture. I am quite prepared to abide by your Lordship's decision, but I submit that the major part of what they have said is unfair to the Hindus of India, and that they represent only 5 per cent., and not 95 per cent., of caste Hindus. I will go on to the next question?—(Mr. Bannerjee) My Lord Chairman, I protest against that.

10,562 You claim that you represent All-India through the Sangha. Are you aware that amongst the various castes, and especially the high caste Hindus, there is a custom of feeding the caste after one person in the family dies?—(Mr. Acharya) Yes.

10,563 You are also aware that that custom has had such a hold over the people, as you claim as a result of religious tenets—an absolutely unjustified impression, but still it is put forward as such—that if a person cannot afford to feed the caste people after the death of the breadwinner of the family or the eldest son of the family who contributes to the family's income, the family has to borrow in order to entertain the caste?—There is no such religious injunction anywhere that I know of, or custom.

10,564 I am quite sure that there is no such religious injunction but I am trying to bring out that the majority of those who are with you look upon this as a religious duty?—I deny it. I deny the hypothesis.

10,565 I am trying to show that the contest between the two sections is as to what is pure religious ceremony and what has grown up as a custom. You agree that the compulsory feeding of the caste is not based on anything religious?—It is not a compulsory religion.

10,566. If it exists anywhere in any part of India, then you certainly would look upon it as based on something else than religion?—(Mr. Bannerjee.) It is entirely wrong. (Mr. Acharya.) We deny that there is any religious compulsion anywhere in India forcing such a thing.

10,567. You cannot say that, because I am speaking from personal knowledge of the various high-caste people who are in my employ, either as clerks or as cooks; they are all Brahmmins, and they have themselves told me—and I can produce from my own files letters by the thousand if you want me to—that they have wanted to borrow Rs.1,000 or Rs.2,000 because if they did not, after the death of, say, their mother, spend in entertaining the caste, they would be out-casted?—What is the question? There may be many people doing many things, right or wrong or indifferent, but what is the question?

10,568. The question is that those whom you represent look upon feeding the caste after a death in the family, as a necessary part of their religious tenets?—(Mr. Bannerjee.) Nowhere in India is it regarded as a necessary part of religious tenets to feed any number of people. The hypothesis is entirely wrong, and I take it that my friend, Sir Purshotamdas Thakurdas, must have been let down by his employees and servants.

10,569. All that I can say is that Mr. Bannerjee is acquainted only with Bengal and that if there were anyone with the witnesses who represented certain other Provinces, Mr. Bannerjee would be contradicted by his own friends here?—Sir Purshotamdas Thakurdas has no direct knowledge of any Province. I at least have direct knowledge of one Province.

10,570. I am not going to get Mr. Bannerjee to approve of my own direct knowledge. Lastly, amongst the Hindus, especially the class whom Mr. Acharya and his friends represent, the wife and the daughter have to-day practically no right of inheritance of the husband's or the father's property, even though the latter may have no other issue; they are disinherited under the Hindu custom.

Begum Shah Nawaz.] In the joint family system.

Sir Purshotamdas Thakurdas.

10,571. They would be the strongest protagonists of the joint family system?—(Mr. Deshpande.) The daughter does inherit.

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10,572. Does she by will?—No, but she inherits.

Sir *Hari Singh Gour*.] He is right about Bombay.

Sir *Purshotamdas Thakurdas*.

10,573. I am talking of the prevailing custom all over India?—And particularly I am speaking of Bombay.

10,574. I did not speak about Bombay; I am talking of the general custom?—(Mr. *Acharya*) In Madras daughters do inherit if there are no male children; that is all I know. Lawyers can deal with these cases, but this has nothing to do with religion.

10,575. The wife is generally entitled under the joint family system only to maintenance, and even if there be an estate of several lakhs of rupees, it all goes to the nearest male branch of the deceased husband?—(Mr. *Bannerjee*.) What is the religion in all this?

Marquess of *Salisbury*.] On a point of order, I think the Committee would rather like to know how far this kind

of examination really bears upon the reference which this Committee has to consider.

Sir *Purshotamdas Thakurdas*.

10,576. I thought I made it clear, but in case I have not made it clear to everyone I will repeat it again: The whole contest is that there is no difference in the religious tenet part, the whole difference is what is based on religion and what has developed as custom, and I am trying to make out that the only difference of opinion between the heterodox and the orthodox sections of the Hindu community, as the witness has called them, is that the so-called heterodox section wants the customary part to be liable to change in accordance with the needs of the time. About the religious part there is no difference of opinion?—(Mr. *Acharya*) May I give a categorical reply to that? Any necessary change in custom which does not conflict with the fundamentals of religion will be supported by my Sangha.

(After a short adjournment.)

Mr. *Acharya*] My Lord Chairman, may I venture to make a preliminary statement?

Chairman.

10,577. Unless your statement refers to a question or something of that kind I would prefer that you should wait until your examination is finished?—It is something explanatory which I desire to say. A statement I made in reply to what I was asked a little time ago may be misunderstood, and I want to repeat what I said in clearer language with regard to something which was asked me as to what we meant about the condition precedent to provincial autonomy and central responsibility. What we mean is this. In our memorandum, the numbering 1, 2, 3, 4, 5 and 6 is done merely for convenience sake. We do not mean that the first or second or third must come before the fourth or fifth or sixth. What we mean is that the safeguard for religion is very essential in the new Constitution, and that Second Chambers must come along with the introduction of provincial autonomy in the new Constitution and certain measures of central responsibility. It is not precedent or subsequent, but in the new Act Second Chambers and provincial

autonomy should come together simultaneously.

Sir *Purshotamdas Thakurdas*.

10,578. In the morning, before we adjourned, you mentioned to the Committee the restriction on the use of wells by the Depressed Classes as they exist in Madras. Mr. *Bannerjee* supplemented it and said that the same restrictions did not happen in Bengal. If that is so, may I put it to you that the restriction on what these depressed classes may do or may not do, as far as wells are concerned, is a matter based again on custom and not on anything religious?—It is.

10,579. The customs vary from Province to Province?—It is finally based on the religious dictum that all people, whatever caste, who are given to unclean habits and ways, should not mix with one another. That is the final dictum, but its details vary from place to place—in fact from district to district.

10,580. Exactly. Therefore the extent to which these restrictions happen at present to exist varies from Province to Province, and the degree of restriction is not based on religion, but is based on custom?—Not the degree, not on religion.



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10,581. In you paper No. 70 there is a recommendation, Mr. Acharya, that religious heads should be in the Upper Chamber?—A certain number of them.

10,582. Some of them?—Yes.

10,583. I do not suppose you are in a position to say how many persons that would be to-day?—I have indicated for the Madras Province the number.

10,584. You are not in a position to say how many persons could claim to be heads of the various branches of the Hindu religion?—It is not a question of what they claim. There are certain recognised heads. We have them already recognised. It is not a new claim.

10,585. If that were so, then these religions which have been started as branches during the last century, shall we say, or during the last fifty years, would not certainly be included?—Will you give me an example?

10,586. Swami-Narayan Panth?—Is that a religious organisation?

10,587. Yes, and a very big one?—It does not obtain either in Bombay or Madras so far as I know, but I thought in the United Provinces there were some Swami-Narayan Panth organisations.

10,588. Yes, in Bombay, Gujerat, Cutch and elsewhere?—In that particular Province, if they have a large following and large properties, they will certainly be entitled to a seat.

10,589. In that Province?—Yes.

10,590. What about the Central Upper House?—They will have a seat in the Province, but as to the Upper House that is a matter of detail in working out the Constitution.

10,591. Is it a matter of detail? Your paper 70 talks of Second Chambers, Provincial and Federal?—Yes.

10,592. Therefore, for the purpose of fixing a certain number of Mutts, or whatever you like to call the religious heads who are to be eligible for that privilege, you would have to fix an all-in line?—Yes. The line would have to be prepared after close enquiry into provincial conditions.

10,593. Irrespective of how long that branch has really existed, say a century or two centuries, or a thousand years?—The length of time is not the only consideration. It is the amount of following they have and the amount of property they have.

10,594. Length of time would be one of the considerations?—Yes.

10,595. Then you must keep it open so that if a new religious Mutt is started, say within 10 years, with a crore of rupees of property given by somebody, they would also have to have a look in?—Yes.

10,596. Therefore, it will have to be an agreed list to start with and a list which can be added to on the basis of certain qualifications?—I suppose so.

10,597. Then would it not be necessary to recognise the religious heads of the nature which I have just mentioned—the Shankaracharya who admitted the latest wife of the ex-Maharajah Holkar, an American lady? She was admitted into the Hindu religion by a Shankaracharya, and therefore he, a religious head of that mentality, would also have to be taken in?—If he had a large following in any Province or in all India and if there is a large organisation behind him, certainly he will be entitled to be a voter or even a member.

10,598. Therefore, somebody will have to ascertain who has such a large following as to be admissible?—The Provincial Government is expected to do that.

10,599. You would look upon a procedure like that as a scheme which would deal with this question in an impartial manner?—Well, there may be some defects here and there as in all things under the sun—you cannot help that.

Sir Hari Singh Gour.

10,600. You have not worked out the full details of the scheme?—No, I have not been asked to. I am not a member of the Committee.

Sir Purshotamdas Thakurdas.

10,601. My point is this. All these religious heads have vested interests in the present customs being perpetrated?—I do not grant that in that form.

10,602. Let me put it to you in this way. They derive their income—and you have, of course, in mind people with large incomes—from the present ritual being followed?—In the case of a religious institution the income is a very minor consideration, not a major consideration at all.

10,603. If that were so you would not have said, as you said two minutes back, that it would all depend on the estate and amount of money they possessed?—I said that is one of the things that

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would come into consideration—it is not the main thing.

10,604 You do not think that their vested interests would come in for protection by them, first of all, if they had any such standing in the Legislature of the country?—They would first be guardians of religion and then only of worldly interests.

10,605. Are you aware that there have been during the last two years several instances in which these religious heads or their immediate successors have married persons converted from other religions?—I am not aware of there having been several instances—there have been some instances which have been condemned by public opinion.

10,606. And so far as those religious heads are concerned that has been condoned by them, at which their strongest supporters are very angry?—I do not understand the point. There have always been some bad sheep in every fold, I suppose.

10,607. Still you would leave the faith of the Hindu in the hands of representatives of this class?—In the absence of any better institution.

10,608. You said that the Hindus who do not agree with your Sangha are heterodox Hindus?—In a general way. I was myself one of the heterodox in the political field for many years, and so I have great sympathy with them.

10,609. Apart from sympathy, on the facts you have told the Committee as far as your Sangha is concerned there is no fixed membership, there are no fees payable by anyone, and there is no Constitution for your Sangha?—I did not say any of those things at all. What I said was that the Conferences that were held were not held on membership fees or on Conference fees, but there is a Constitution and there are organisations which levy their own fees from the members for carrying on the work of the Sangha. There are in the Provinces and districts local Sanghas all over India, but they have their own rules subject to the rules of the All-India organisation. But I never said there were no members or no subscriptions or anything of the kind at all. For the larger Conferences there are Reception Committees and members and delegates and visitors, and these have tickets also, but the huge propaganda that is carried on is not confined to the members.

10,610. I have not counted it, but this volume contains about 100 representations from all over India?—I know that.

10,611. They are in identical terms and in the same draft?—Yes.

10,612. Do I take it that these various organisations or office-bearers who have signed these papers have accounts showing their receipts from the public and the number of people who are members of each one of these organisations?—No. That strengthens my contention. This printed thing was sent out by one of the main branches—I think it was the Bombay organisation—to all the various branches we have in the country, and each branch has taken the signatures of the leading people in each area who have signed it. I believe they have their own accounts, but I am not in a position to say what accounts exactly they have.

10,613. They have sent the signatures of their leading people?—Yes.

10,614. But the majority, I find, are only the signatures of the Secretary or at most the President and the Secretary?—Those were the instructions sent to them to show it is authenticated.

10,615. Therefore, this gives no idea of how many members are members of the various organisations which have signed this?—That will not give any idea—it is only a memorial.

10,616. Could you tell me roughly how many members pay subscriptions or owe allegiance to this organisation?—Owing allegiance there are about 400 branches of perhaps at least 10,000 each, but how many on the actual rolls pay a subscription I do not know.

10,617. There may be only 10 for each, for all you know?—So far as Madras is concerned, there will be at least 1,000.

10,618. I am taking an average of the 400?—It will be at least 500 each.

10,619. You know that these various religious heads have under their control funds and the most important temples in India?—Yes.

10,620. Acharyas, as they call it?—Yes.

10,621. Have you any views with regard to the funds which are entrusted by the public to such temples and acharyas being liable to some sort of audit so that it can be ensured as far as those funds are concerned that the Acharyas use the funds for the purpose for which they are intended and the purpose for which the people gave them the money?—I am afraid the questioner does not know the basic principles upon which offerings

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or gifts of money are made to the Acharyas. They are made by the disciples to the Acharyas practically in order to be utilised in any way that the Acharyas may like for religious purposes. There are no public gifts at all except individual gifts by the disciples to the master, and the master is invited to make any use he likes, as was done with regard to several gifts made to Mr. Gandhi on many occasions—it was well understood that he could use them for any purpose he liked. That is the only way in which gifts are made by pupils to masters.

10,622. What would your Sangha's opinion be if it was suggested that all these funds should be subject to audit and that a report and account should be published once a year?—That is a question for the Sangha and I am not authorised to give any offhand answer to it. They will consider it and pronounce their considered opinion.

10,623. I thought you were giving evidence as an accredited representative?—It was not a point raised before us.

10,624. But, surely, when you object to the Legislature interfering, I am entitled to ask this question. Supposing this was one of the points on which the Legislature felt that there should be accounts of these acharyas properly audited, what would be your opinion upon that?—It would depend upon the Sanghas and the circumstances. It may be a means for interfering in the way in which the Mutts are conducted and so forth, in which case it would be wrong. It is nothing to do with what we call religious interference.

10,625. No, but it has a lot to do with religion in so far as the money for the use of religion is concerned. The point is this. There is an underlying principle in the use of money, namely, that if you get money you must give an account of it and give an account of it to that class which gives you the money as to the purposes to which you have put it?—If it was given on that condition they would certainly give an account.

10,626. Very well?—But an unconditional gift does not require an account.

10,627. Are you aware that in Baroda State there is situated one of the most holy places, Dwarka?—Yes.

10,628. And Dwarka is held in high veneration throughout the length and breadth of India?—Yes.

10,629. Are you aware that His Highness the Maharajah, Gaekwar of Baroda, has made it compulsory for religious temples in Baroda territory to be subject to audit and to be subject to the Government under certain conditions?—I do not know the conditions in Baroda, and I do not know why the Government chose to interfere. I am not aware of the details.

10,630. I am asking you whether you are aware that there has been any dissatisfaction in the minds of the most orthodox of the Orthodox Hindus owing to some of the regulations laid down by His Highness the Maharajah, Gaekwar of Baroda's Government?—A great deal of dissatisfaction has been felt all over India, though in Baroda perhaps they are afraid to say it.

Sir Purshotamdas Thakurdas.] Still people flock to Dwarka for pilgrimages in no smaller numbers—

Lord Rankeillour.] I do not know, but it seems to me that the trend of this examination is directed towards showing that certain scandals have arisen, but whether that is so or not, how can it help the Government and our consideration of the concrete proposals in the White Paper?

Sir Purshotamdas Thakurdas.] The noble Lord has anticipated exactly the opposite of what I have in mind. What I was trying to prove is that the audit of the accounts of religious institutions has met with no opposition from the most orthodox of the Hindus. It is a fine precedent that the Maharajah, Gaekwar of Baroda has laid down, and I was trying to find out what our friend's view was having regard to the fact that the Hindus have not protested against it. There is no scandal about it.

Sir Austen Chamberlain.] What is the conclusion that you ask the Committee to draw?—How does it bear on the province of this Committee?

Sir Purshotamdas Thakurdas.] It bears on it from this point of view. These religious heads whom the witnesses are recommending for recognition are religious heads who have a vested interest in the property of the temples. The Hindu public feel that there ought to be a very healthy check on the expenditure incurred by these people inasmuch as their personal powers over the privy purse should be restricted by some sort of arrangement, and efforts should be made, either now or in the future, to see that the money is spent for the pur-

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pose for which it is given—either charity or religious worship.

Sir *Austen Chamberlain*.] I do not follow the bearing of that on the proposals in the White Paper.

Sir *Purshotamdas Thakurdas*.] The proposals in the White Paper have been commented upon by the witnesses, and I am trying to point out that what they recommend will simply perpetuate the various evils with regard to which the Hindu public to-day have very strong grievances. However, I have finished my examination.

Mr. M. R. Jayaker.

10,631. May I ask you a few questions about the All-India Varnashram Swarajya Sangha. You say it was started about four years ago?—Yes.

10,632. I suppose it is a fact that it was started because the Orthodox Hindu community was convulsed after the passing of a measure called the Sarda Act in the Central Legislature. Was not that the genesis of it?—We have set it all out ourselves in the Memorandum.

10,633. You need not bother to repeat it but just tell me if that is so?—Yes.

10,634. The main purpose of this Varnashram Swarajya Sangha is to protect what you consider your religious usages and tenets from being invaded by legislation?—That is one main purpose.

10,635. Is not that the chief purpose?—One chief purpose.

10,636. Was it not brought into existence to guard against inroads which might be made upon what you considered your religious privileges?—That is the history of it and the genesis of it.

10,637. When you mention the 95 per cent. of Hindus, I suppose, that is more or less a conjectural figure?—I never said that I took any census account of them.

10,638. It is on more or less a conjectural basis?—Yes.

10,639. The same sort of basis on which Dr. Moonje based his claim that his Organisation represented 90 per cent of the Hindus?—In one respect; I suppose the Hindus may be represented by us to the extent of 95 per cent.

10,640. It is on the same sort of conjectural basis that Mr. Gandhi says that the Congress represents the bulk of Hindu India?—You are at liberty to draw your own conclusions.

10,641. It is a conjectural basis?—I have very good and strong ground for making that statement.

10,642. Have you made any attempt to count?—As to counting, I say I have already answered that.

10,643. Therefore, I say it is a conjectural basis. Do you maintain a list of members?—We maintain a list of what are called actual members, but those who follow and who may be called supporters of the Sangha are not only members but the general Hindu Orthodox public all over India.

10,644. Therefore, your figure is based on the number of people who come to listen to your discourses?—Yes.

10,645. That is so, is not it?—Yes.

10,646. This Memorandum No. 65 which you prepared was prepared in London, I take it?—Yes.

10,647. On the 30th June, 1933?—Yes.

10,648. It was never submitted in this form to any of your Committees for their approval or sanction?—The Varnashram Swarajya Sangha organisation has given me authority—

10,649. My question is a simple one. Was this document submitted for the approval and sanction of any of your Committee? Do not get away from the question, please?—The answer is in the negative.

10,650. Therefore, this document contains many opinions for which you have no mandate?—I do not grant that conclusion.

10,651. When you say on page 3 that provincial autonomy and central responsibility, adult suffrage and Dominion form of government are “exploded political myths,” have you received a mandate from any of your organisations for saying that?—Yes, we submitted practically the same thing in almost the same words to His Excellency the Viceroy on the 26th September in Simla and on the 17th March this year. If the honourable gentleman wants it, I can read exactly what was said.

10,652. My question was, have you received a mandate to say this?—I have received a mandate to express the opinion which is contained there—not the same wording but almost the same words.

10,653. May I have an answer to my question? Have you received a mandate to say that central responsibility and Dominion form of government are things which your Association regard as “exploded political myths”?—Yes.

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10,654. You have?—Yes.

10,655. Notwithstanding that in the Joint Memorandum which you submitted you say in Section 6: "Irrespective of the inauguration of Federation we want a certain measure of responsibility at the centre." Is not that central responsibility?—Men raise on stepping stones to higher things.

10,656. How do you reconcile those two statements? If you say you have received a mandate to say that central responsibility is an exploded myth, how do you reconcile that with this statement in the Joint Memorandum?—We start with things as they are. We know that they are not as good as we would like them to be and we try to improve them. Taking them as they are and for the time being, we take provincial autonomy, however imperfect it may be, and central responsibility and try and work it up.

Sir Hari Singh Gour.] These are your second thoughts. After mature consideration, you came to this conclusion.

Mr. M. R. Jayaker.

10,657. Which of the two am I to understand is your final opinion?—Both—there is no contradiction to my mind.

10,658. Does Mr. Deshpande agree with this view that Dominion form of government, provincial autonomy and central responsibility, and adult suffrage are "exploded political myths"?—(Mr. L. M. Deshpande.) I will tell you what my view is.

10,659. Will you answer the question? Do you agree with this view?—That is Mr. Acharya's personal view.

10,660. Do I understand that you do or do not agree with it? Why cannot you answer the question? Do you personally agree with the view mentioned here that Dominion form of government and provincial autonomy and central responsibility and adult suffrage are "exploded political myths"?—No.

10,661. You do not agree with that view?—No.

10,662. When you said this morning to Lord Salisbury that parliamentary government on western lines should be very cautiously introduced into India had you received a mandate to propound that view?—(Mr. M. K. Acharya.) Yes.

10,663. Do you agree with that view, Mr. Deshpande? Have you received a mandate that parliamentary government should be introduced on very cautious and moderate lines?—(Mr. M. K.

Acharya.) I said: "adapted to Indian conditions." You must not take half a sentence.

10,664. Do you agree, Mr. Deshpande, with the view which Mr. Acharya expressed this morning in reply to questions from the Marquess of Salisbury that parliamentary government on western lines should be introduced with great caution into India? Do you agree with that view or not?—(Mr. L. M. Deshpande.) Yes.

10,665. You do?—I do to a certain extent.

10,666. To what extent do you agree?—That it should not be taken copy to copy, but it should be adapted to Indian conditions.

10,667. My words included the words "on western lines." Do you agree that it should be on western lines?—Partly on such western lines as would suit the conditions in India.

10,668. Will you turn to Memorandum 64 and look at page 7 of that Memorandum. You say there: "We desire that responsibility at the centre should be given immediately." You do not say anything about caution there—there is no word about caution?—I never said "caution."

10,669. I put to you the question a minute or two ago: Do you agree with the view expressed by Mr. Acharya that western institutions should be introduced with caution into India on western lines, and you said you agreed. Now I put to you your Memorandum, on page 7, where you say this responsibility at the centre, which is a western idea, should be introduced "immediately." There is no word about caution there?—But I also said that it should be so as to suit the condition of India. That is what I desire to explain.

10,670. You are not in favour of caution being introduced?—I do not understand exactly what "caution" means.

10,671. Gradually—with cautious steps. Do you agree with that view or do you agree to this view that responsibility at the centre should be given immediately as stated in your Memorandum?—Yes, I agree with the view that responsibility should be given.

10,672. But the word "immediately" is here?—Yes, immediately.

10,673. That is your view?—Yes, that is my view.

10,674. Will Mr. Bannerjee turn to his Memorandum 68, page 6, in the last para-

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graph, "Things must be speeded up as far as possible." You are in favour of speeding up?—(Mr. J. L. Bannerjee) Yes

10,675. You are not in favour of caution?—I am not in favour of delay.

10,676. Will you just turn to your chief Memorandum No. 65, Mr Acharya, on page 2. This is what you say. You are speaking of the heterodox, the dissenting Hindus. You deplore the fact in a later paragraph of their not being classed in the census separately, but I will leave that alone for the moment. You say they are not true Hindus at all, and then you describe them in about the sixth line in this way: "They want, in fact, to destroy the Hindu caste system by any means in their power. The bulk of these, again, are English educated; and many of them live in European style, while the bulk of Sanatanist Hindus do not know English and stick to their old ways and habits." Then you say: "Lord Meston committed the terrible blunder of ascribing to the Hindus in general and to the Brahmans in particular the credit or discredit for all the political agitation in India, not knowing that the bulk of Sanatanist Hindus till recently have taken no interest in politics at all." I ask you, do the Hindus whom you designate by these descriptive epithets not make up the whole of what may be described as New India?—(Mr. M. K. Acharya.) No.

10,677. Do not they make up the whole circle of men who have been the pioneers of political agitation in the country?—The answer is in the negative.

10,678. You do not think so?—I certainly deny it.

10,679. Can you point out any names of persons who have made modern India politically what it is who would not come under this category?—A good many I can remember.

10,680. Will you mention about a dozen?—Mr. Tilak and Mr. Chitta Ranjan Das, and many others.

10,681. Was not Mr. Das English educated?—In spite of his English education he was a good Hindu.

10,682. Will you please answer the question, because I cannot go on unless you answer. My questions are very simple. Was he not English educated?—I do not say that all English educated people are bad.

10,683. Was he not English educated?—I do not understand the question. How can I answer it?

10,684. You have used the expression "English educated." I am taking your own expression in your Memorandum?—Where?

10,685. It is on page 2, the sixth or seventh line from the top of the page?—I say: "The bulk of these"—that means that there are exceptions

10,686. I am using the expression "English educated." Was Mr. Das English educated?—The bulk of these are English educated.

10,687. My question is, was Mr. Das English educated in the sense that you have used the expression here?—Yes.

10,688. He was?—Yes.

10,689. Was he not dressing in European costume?—I am not aware of that

10,690. You are not aware of that?—No. Whenever I saw him I only saw him in native costume.

10,691. That was at a very late stage in his life?—Perhaps.

10,692. Therefore Mr. Das would fall under the category of the people who are mentioned here?—I do not think so, so far as I knew him.

10,693. Do you deny that these men whom you designate here have great power over the rural population?—I do not think they have any power over the rural population, but I admit they have great power over the urban population.

10,694. I am speaking of the rural population?—No, they are not in touch with the rural population.

10,695. Mr. Deshpande, do you share this view that these gentlemen who are described here have great power over the rural population?—(Mr. L. M. Deshpande) They have in the cities but not so much in the rural population.

10,696. You do not agree with that view?—No.

10,697. Will you kindly turn to your Memorandum No. 64, page 4, the second line from the top: "On the contrary, reformers, from mostly among whom are recruited the politicians, have a great hold over the rural population." How do you reconcile those two statements? There you say they have a great hold over the rural population?—I tell you the rural population mostly follow the urban, and by that way they have influence.

10,698. Have they, or have they not a hold over the rural population?—They have no direct hold on the rural population.

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10,699. You do not say anything about direct hold here?—I do not make myself clear.

Mr. Y. Thombare.

10,700. Still, they have a great hold?—They follow.

Mr. M. R. Jayaker.

10,701. Can we take it that your statement is substantially true that they have a great hold over the rural population?—Eventually they have.

10,702. Can we take it that it is substantially true?—As I have stated it now, I say eventually they have a hold over the rural population.

10,703. What do you mean by "eventually"?—Through the urban people.

10,704. Have they or have they not a great hold over the rural population?—Personally, I think they have not over the rural population direct, but through the urban population they have.

10,705. I take you to page 4 and to the formula which you state at the bottom of the page "Indeed we should urge not only that there should be no legislative interference in the religious or socio-religious rites and usages of any community," and so on. Do you not think that you are stating the formula too widely when you use the expression "socio-religious rites and usages of any community"?—(Mr. M. K. Acharya.) Well, you may consider so, but my difficulty is it is so difficult to draw a hard and fast line between religious and socio-religious institutions in India. The two are so wedded together.

10,706. If your formula was accepted in the terms which you have put here, do not you realise that it will make a large part of the Legislative activity of a remedial character impossible?—We may have to revise the language. I do not say this is the final language.

10,707. You do not want to stress the words here?—The substance is what I want; I am not so keen on the words.

10,708. Do I understand all you want is to protect religious tenets?—No, religious tenets, rights and institutions.

Sir Hari Singh Gour.

10,709. Connected with religion?—Yes.

Mr. M R Jayaker.

10,710. Would you leave the Legislature power to alter the usages?—If the usage is not based on religious fundamentals I would allow it.

10,711 I am giving an instance. Do you remember there is a usage in many parts of India of people dedicating their young girls to Temples, so they really come gradually to the same condition as a prostitute? That is a religious usage. Would you allow the power to the Legislature to alter that?—It is rather unfortunate usage. I would not affect that.

10,712 You would leave the Legislature the power to alter that?—Yes.

10,713 Suppose, owing to the improved sense of morality of the public and larger and broader conceptions of women's rights some usages become more or less unsuited to the conditions of the time, would you leave the Legislature power to alter those usages?—If, in course of time, ideas change the whole thing will change.

10,714 I take it you have no objection to leave the power to the Legislature to alter such usages?—Perhaps 30 years hence it may be very desirable.

10,715 I am speaking of gradually?—I do not know.

10,716. May I take it that usages which for the moment do not accord with the public sentiment should be altered by the Legislature?—Usages which do not rest upon religious fundamentals may be altered.

10,717 Take, for instance, a usage like this I am only giving you an instance, the usage of a particular territory or a tribe that the depressed classes should halt within 10 yards of a Brahmin. Would you allow that to be altered?—No.

10,718. Supposing there is a usage of people immolating themselves underneath a car or in a procession, would you allow the legislation to make that penal?—I do not understand the question.

10,719 Supposing there is a usage in a particular community under whose influence people sacrifice themselves under a car or in a procession?—I do not allow that there is any such usage.

10,720 Supposing there was?—If there was it might be prohibited. If there was any usage that a man might throw himself against some procession—I am not sure of it—I would allow it to be prohibited.

10,721. One of the pleas on which educated India bases its claim for self-government is this, namely, that a national Government would be far more courageous and progressive in introducing remedial measures than a non-national Government would? Do you agree with



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that plea?—That is one of those vague statements which once appealed to me, but which I have found from my experience does not any longer appeal to me.

10,722. Since when does it not appeal to you?—Since my experience that people who make large claims do not follow their rules.

10,723. Did it appeal to you when you were a member of the Swaraj Party?—When I discovered from my experience it did not appeal to me, and I got out of it.

10,724. What was your experience?—My experience was in the innermost ranks of the Congress and Swaraj Parties.

10,725. You have the reputation in India of holding very orthodox views?—I do not know whether I have a good reputation or a bad reputation.

10,726. May I repeat to you a paragraph from the speech which you delivered opposing the Sarda Act which wanted to raise the marriageable age of a girl or woman. It was delivered in the Legislative Assembly. I will read to you one passage on page 244 of Volume 36 of the Assembly Debates which are available here. This is what you stated, Mr. Acharya, I am giving it you as typical of the views you hold which are regarded in India as very orthodox. You were commenting on a passage from the report of the Age of Consent Committee, and the passage from the Age of Consent Committee's Report is as follows: "It has been shown in paragraphs 358 to 368 in our report that early maternity is an evil and an evil of great magnitude. It contributes very largely to infantile mortality. In many cases it wrecks the physical system of the girl, and generally leads to degeneracy in the physique of the race." You ridiculed that statement?—I still ridicule it, because I think it is too wide a statement.

10,727. You think what is stated here, early marriage and maternity, is not an evil?—It does not follow from what I have said.

10,728. May we take it as typical of your views on other questions?—You are at perfect liberty to understand or to misunderstand anything I said.

Mr. N. M. Joshi.

10,729. May I ask Mr. Acharya a few questions? In your scheme for Upper Chambers you have provided for a representation of Landlords and the Heads of

various religions. Do you think labour should be represented in the Upper Chamber?—I have said so, I have said it must be represented.

10,730. Not in your scheme?—That is a small mistake of the typist. I have put in (2) for labour; that is quite a small mistake, but, in general, I would say there should be labour representation.

10,731. From your Memorandum, and from your evidence, I gather that you do not want any oppression being practised upon the Hindus on the ground of religion?—I do not want any oppression upon anybody.

10,732. Some women in India feel that the laws of marriage should be changed a little bit, and that they should be allowed to make divorce. Would you allow a Bill to be introduced in the Legislature on the ground that the women feel the present practice is an oppression, and they want to be free from this oppression?—I thought the question was "some women" feel. If I found that a very large majority of Indian women feel so, I would support that.

10,733. "Large" means how many?—A large majority.

10,734. So if a majority is not willing to change the law for divorce you will allow the minority to be oppressed by the majority?—There is no oppression. The minority may do as they like.

10,735. Under the present law a woman cannot take divorce, and, if you are prepared to allow her to do what she likes, you must allow a law to be passed providing for a divorce?—The present law does not allow even men to do as they like. Discipline and restriction is imposed on all people.

10,736. Supposing we have a divorce law both for men and women, or a divorce law for women only?—I have not thought about it. I know no particular answer to such questions. It has nothing to do with my religion. (Mr. Bannerjee.) If people are so keen on divorce they should go out of the Hindu fold.

10,737. I am asking whether you would allow a law to be introduced by the Indian Legislature at large?—(Mr. Acharya.) Not unless there is a very large demand for such measures. I can not say on the hypothetical assumption that a few here and there want it. I do not think any Legislator would be doing his duty in wasting the time of the Legislature in bringing in such measures for just a few people.

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10,738. May I take it you are in favour of the majority oppressing the minority?—If that is your conclusion. It is not my conclusion, but you are welcome to your conclusion.

10,739. About the Franchise proposals you are not in favour of either these new-fangled ideas of Adult Suffrage or the extension of suffrage?—We have said we are for adult suffrage in the lowest democratic sphere, namely, in the village.

10,740. After the village you are not in favour of it?—In the present conditions of India.

10,741. You really want the Franchise to be confined to a few propertied and educated classes?—It will not be few; if my scheme is carried out of having the village panchayats all over India there were will be several lakhs and not a few.

10,742. I am talking of the Legislatures?—The electors to the Legislatures, according to my rough scheme, in course of time would be the members of the village panchayats elected on Adult Suffrage.

10,743. Supposing the present White Paper proposals are maintained, you are in favour of the Franchise being confined to a few people?—Not a few; restricted so as to make the numbers of the electorates workable; not a few.

10,744. Supposing you and I go to Bombay and hold a meeting of people who are not likely to be enfranchised under the present proposals, say, the workers working in the Bombay textile industry, and we put before them a proposition whether they should be given a vote or should not be given a vote, what do you think would be the verdict of that meeting?—If a theoretical question like that is put everybody will certainly say he wants a vote, whether he is going to use it rightly or wrongly.

10,745. Supposing similar meetings are held in the villages and people are asked whether they would like a vote or not?—The villagers would certainly say they do not want to be bothered with things in which they have no direct concern.

10,746. Supposing this proposition is put whether they would like to have a vote or not?—I have given the answer. They would say, "Do not bother us with things which do not immediately concern us."

10,747. Are these textile workers in Bombay orthodox or unorthodox Hindus?—I do not know anything about them.

10,748. You said that out of the orthodox Hindus 95 per cent. follow your organisation. I tell you that most of the uneducated people in India are orthodox Hindus. May I ask you, therefore, whether your franchise proposals will be approved of by the 95 per cent. of the orthodox Hindus?—I believe so.

10,749. So far as the workers are concerned, you yourself have answered that they will ask for a vote?—The workers of Bombay do not form the whole of India.

10,750. The workers of Calcutta?—I do not know about Calcutta either.

10,751. What about Madras, Mr. Acharya?—In Madras the workers will want a vote in things which concern them directly.

10,752. They would like to have a vote for the Legislature if any legislation is to be passed concerning them?—I do not think in that form it has ever been put to them. I cannot, therefore, say what would be their answer.

Dr. B. R. Ambedkar.

10,753. Mr. Acharya, do I understand you correctly, when I say that what you want is that the Legislature should not have competence to pass laws affecting what you call the fundamentals of religion?—Yes.

10,754. And that before any such law is introduced you want a sort of previous sanction obtained from heads of religious institutions?—Yes.

10,755. And, thirdly, that after it is introduced it should not become law until it is passed by a two-thirds majority?—Yes.

10,756. I want to ask you this: This two-thirds majority is to be two-thirds majority of the Hindu Members of the Legislature or two-thirds majority of the total Legislature?—Of each community sought to be affected. If it is only the Hindu community it would be only the Hindu Members. If it is the Muslim community there would be the Muslim members also.

10,757. Are you able to tell us in a defined form what you regard to be the fundamentals of your religion so that it may be possible for this Committee to know to what extent the Legislature can interfere and to what extent it cannot?—I am willing to give a very humble lecture on the fundamentals of religion if the Committee will hear me for three hours.

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Sir Austen Chamberlain.

10,758 You could not give us a formula that we could get into a reasonable number of words for the section of the Act?—That is what I said. Dr. Ambedkar is now trying to heckle me into some kind of answer in three words. I cannot.

Dr. B. R. Ambedkar.

10,759. I am not trying to heckle you; I am trying to understand. For legislative purposes you must give the Committee some formula which could be put into the Act so that it would be possible, both for the speaker of the House or the Governor, or whoever may be the deciding authority, and the Courts, to find out exactly whether a particular law passed by the Legislature is *ultra vires* of that Legislature?—I have suggested, I thought, a formula which is very workable and which I have in fact taken from some—

10,760 You merely said they are fundamentals. You leave the whole matter undecided. What are the fundamentals?—The formula I suggested was this: Before a measure affecting religion is introduced the Governor or the Governor-General should refer it to the opinion of the recognised religious heads and organisations in that Province, and after getting their opinions, and probably after modifying it so as to bring it in accordance with their opinions, it might be introduced, and all the rest is for the Governor or the Governor-General to decide.

10,761. May I take it from you that whether a certain piece of legislation affects the fundamentals of your religion or not is a matter which is to be decided by the heads of the religious institutions?—Certainly so. They are the competent judges to decide.

10,762. Mr. Acharya, you are a Brahmin by caste?—Yes.

10,763. Mr. Deshpande, you are a Brahmin by caste?—(Mr. Deshpande.) Yes.

10,764. Mr. Bannerjee, are you a Brahmin by caste?—(Mr. Bannerjee.) Yes.

10,765. Mr. Acharya, is not it a fact that in the Hindu religion nobody can be a priest unless he is a Brahmin by birth?—(Mr. Acharya.) It is not a fact.

10,766. You mean any Hindu in practice can officiate as a priest at any Hindu temple?—No, it does not mean that.

10,767. That is my question?—Please put it properly.

10,768. Whether anyone who is not a Brahmin can officiate and perform any religious ceremony?—A very simple question. Every community, sub-community or class has got its priest from that community or sub-community. A Brahmin will not go to certain communities.

10,769 I am telling you most respectfully that that is not a correct statement?—That is the truth, as far as I know.

10,770. Does Mr. Deshpande know?—(Mr. Deshpande.) It is so now. (Mr. Acharya.) A Brahmin will not officiate for certain things.

10,771. The heads of all religious institutions are Brahmins, are they not?—No. In Bombay Presidency there is a very huge Mutt which has property and all that is purely non-Brahmin.

10,772. In the main?—Some are Brahmin; some are non-Brahmin.

10,773 Is it not a fact in Bombay Presidency?—There are others also, Lingyats.

10,774. I do not want to confuse the issue. My question is this. As distinct from the Lingyats, the Jains, or the Buddhists (I am talking purely of the Hindus) is it not a fact that all these institutions are controlled by Brahmins?—There are some which are controlled by non-Brahmins even in Bombay Presidency.

10,775 There are very few?—Yes, that would be accepted; but not that the whole of them belong to Brahmins.

10,776. Now if your proposition was accepted, that the heads of these institutions should have the right to give previous sanction, it would simply mean that the whole of the destiny of the Hindu community would be in the hands of the Brahmins in charge of these institutions?—(Mr. Acharya.) It will not mean that at all.

10,777. Let me ask you a question or two about your representative character. Mr. Deshpande, in the Satara district there is a non-Brahmin party, is there not?—(Mr. Deshpande.) Yes.

10,778. The non-Brahmins of Satara and district would cover almost 90 per cent. of the total population?—Yes.

10,779. There is a very strong antagonism between the Brahmins and the non-Brahmins in the Satara district?—On certain points; not on all.

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10,780. But on points of politics and social reform?—On points of politics.

10,781. On point of social reform?—Not so much.

10,782. Is it not true that the Brahmins and non-Brahmins have been struggling as to the equality in temples, so far as officiating is concerned?—In some districts they may have, but not in all.

10,783. But is there not a strong cleavage between the two?—Not so far as I know.

10,784. But they are, anyhow, a separate entity, carrying on a separate political life?—Yes, everybody has his own.

10,785. And you still think a few Brahmins in the Satara district would represent the non-Brahmin?—So far as I am concerned.

10,786. Do you think that you and Mr. Jadhav, the leader of the non-Brahmins, would go together on most of these points in the Memorandum?—I do not know about Mr. Jadhav; I know about mine.

10,787. Do you dine together?—Mr. Jadhav and myself, no.

10,788. In the Madras Presidency there is a Justice party consisting of the non-Brahmins?—(Mr. Acharya) There was a party some years ago. I do not know if it is as active now.

10,789. But it did exist for a year or two?—It existed for seven or eight years.

10,790. There is again a very strong cleavage between the Brahmins and the non-Brahmins in the Madras Presidency?—Not a very strong cleavage upon what might be called religious questions at all.

10,791. They have a separate organisation of their own?—I believe in the Justice party Brahmins are being admitted now.

10,792. But hitherto they were not admitted?—They are admitting even Brahmins now and, therefore, they are changing.

10,793. Would it be correct to say that you are only representing the views of the Brahmins?—Quite incorrect.

10,794. Now I want to ask you a question, Mr. Deshpande. In your Memorandum No. 64, I do not find any comment on the Poona Pact: Is that so?—(Mr. Deshpande) There is none.

10,795. Is that true?—It is true.

10,796. Mr. Archarya, in your Memorandum No. 65, apart from this one line on page 3: "It is upon its merits we condemn the Poona Pact," there is no

reference to it?—(Mr. Acharya.) That was quite enough, I thought.

10,797. This joint production of yours is the latest thought, is it not?—Yes, it has come later than the others.

10,798. After the evidence of the Hindu Mahasabha was given?—No, much before that.

10,799. Why did not Mr. Deshpande put it before in your Memorandum, if as it is stated here, you had a mandate from your clients to condemn it?—(Mr. Deshpande.) I did not think that it was necessary.

10,800. There is just one other question I want to ask. You ask, in your joint production, No. 72, full Provincial autonomy and Central responsibility; I need not read that. Now, under paragraph 4, Franchise for Lower Chambers, you say. "The bulk of our countrymen are yet untrained in the habit of working representative institutions." The question that I want to ask you is this For whose benefit do you ask Provincial autonomy and Central responsibility, if you say your "countrymen are yet untrained in the habit of working representative institutions"?—(Mr. Acharya.) I would ask the Honourable Gentleman to read the paragraph more carefully The answer is there already

10,801. What is the answer?—The answer is there, if you read it.

10,802. What is the answer?—We say we are against the indiscriminate lowering of the franchise in the immediate future; the indiscriminate lowering we condemn; but making the lowering more discriminate, we are taking the next step immediately to urge Provincial Autonomy and Central responsibility.

10,803. But how can indiscriminate lowering of the franchise make your countrymen trained in the habit of working representative institutions?—That is what we say. Indiscriminate lowering will not train them.

10,804. Therefore, raise it higher up?—No, the opposite of indiscriminate lowering is discriminate lowering.

10,805. Confining it only to the Brahmins and the higher classes?—Discriminate lowering does not mean that. The White Paper says 38,000,000, I would be content with 20,000,000 or 28,000,000. That is not confining them to this class and that class.

10,806. You know in Malabar, there is a community called the Naiyadis?—Yes.

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10,807. I understand that under the social customs prevailing there a Naiyadī cannot walk along the road?—He can walk along the public roads to-day.

10,808. And if he wants to sell anything, or buy anything, he has to place his goods or articles that he wants to sell some 60 yards away from the street and call out from there?—That is not correct information, so far as I know.

10,809. I give you that information?—That is not correct, I deny it. I have been for many years in Malabar, and I know Malabar better than my honourable friend.

10,810. The point I am going to ask you is something further. Assume my facts are correct?—When they are incorrect, how can I assume that?

10,811. The question is this: Supposing a law was passed making it a crime for any Hindu to prevent a Naiyadī from walking along the public street in Malabar, would you say that would affect the fundamentals of your religion?—As the honourable gentleman presumes on wrong facts, there is no such custom and there is no such law. If there were such a custom, and if there were any need for such a law, then that law would not conflict with any fundamental of religion.

Sir A. P. Patro.

10,812. Brahmasri Acharya, will you kindly tell me the meaning of "Varnashram Swaraja"? May I help you. I do not want to answer it, as well as you. What is the English rendering of "Varnashram Swaraja"?—Maharaja Sir Patro, there is no English rendering for it.

10,813. Does Varnashram Swaraja mean caste system?—It is a very inadequate translation.

Mr. M. R. Jayaker.] A system of four castes?—In a general way.

Sir A. P. Patro.

10,814. Swaraja is self-Government?—Varnashram Swaraja will mean self-Government consistent with the higher principles of life with regard to various stages of individual life, and with regard to various stages of groups of social organisations.

Sir Hari Singh Gour.

10,815. Do you mean that is a translation of those words?—That is a translation of those words. I am trying to translate them as nearly as I can.

Sir A. P. Patro.

10,816. May I take it, though inadequate, as you said it is, self-Government by caste system?—It is not at all a correct rendering of it.

10,817. Then what is the correct rendering of it, in two words?—I have given it. Self-Government consistent with the higher ideals of regulation of individual life and communal life.

10,818. "Varnashram" means caste?—Varnashram means castes and stages of life.

10,819. And your Bhudeos have said caste system is based on colour?—No, they have not.

10,820. Then are you against every annotator of the caste system. Leaving that alone, on this hierarchy of caste the four castes of Brahmin is the supreme caste, is it not?—They are one caste, but I do not say the supreme caste. Each one is supreme in his own way.

10,821. He is supreme in the four castes. Now are not Brahmins called Bhudes?—Yes.

10,822. Gods of the Earth?—Yes.

10,823. That is another name for Brahmins?—Probably.

10,824. Then the Brahmin is at the head of this hierarchy, is he not?—In religious matters certainly.

10,825. Now this Brahmin occupies every position of importance in education?—No, not every position.

10,826. But all positions?—No.

10,827. What is a Brahmin, then?—A Brahmin occupies what may be called the position of the religious instructor in all religious matters.

10,828. In all secular matters the Brahmin has no power of influencing the country?—In all secular matters the Brahmin has, as Brahmin, no power at all. As an individual citizen, he may have.

10,829. Do you know that, in the Madras Presidency, the Brahmins occupy every place of importance?—I do not know it, and I deny it.

10,830. Do you know that Brahmins are only 3 per cent. of the population in the Madras Presidency?—The census report says so.

10,831. And yet they occupy every position?—They do not occupy every position; I deny it.

10,832. You will deny everything, I know; I have known you for the last 30 years. Do you know that this non-Brahmin movement came in as a protest against the Brahmin religious and social

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influence?—Not at all, it came in immediately after the Montagu-Chelmsford reforms, in order to placate the ambitions of a few vocal non-Brahmin leaders, of whom Sir A. P. Patro was a very conspicuous leader.

10,833. And the non-Brahmins are the majority population?—They are.

10,834. And they now have got the upper hand over this priestly class?—Not in religious matters at all.

10,835. But in all other matters affecting religion?—In all matters affecting religion, the non-Brahmins have always had a hand, but in priestly matters, they have not had a hand.

10,836. Is it not a fact that the self-respecting movement of the non-Brahmins is against the priestly influence of the Brahmins?—I do not know much about that self-respecting movement. It is confined to a few people who do not count.

10,837. In the Madras Presidency, you were one of the protagonists of Mrs. Besant in the Home Rule movement?—Yes.

10,838. You wanted Home Rule for India?—Yes.

10,839. You gave that up as useless?—I still want Home Rule for India, on the right lines.

10,840. Never mind about the right lines. You gave it up and joined the Congress movement?—I do not understand the question.

10,841. You gave up the Home Rule movement and joined the Congress movement?—The Home Rule movement I did not give it up, but I gave up following Mrs. Besant when Mrs. Besant gave up the Congress.

10,842. I am asking you, as being the living embodiment of Mrs. Besant's activities. Is it not a fact that you gave up Home Rule and joined the Congress Party?—Home Rule was part and parcel of the Congress movement of 1918.

10,843. But you said Mrs. Besant gave up the Congress?—Yes; she went out of the movement, in fact.

10,844. When did you join the Varnashram Swaraja Party?—When it was started in 1929.

10,845. And in the Madras Presidency, will you kindly tell me how many Members there are?—I have not got the list.

10,846. Have you got a register?—I have not got a register or the list here.

10,847. But have you got a register of them?—Certainly, yes.

10,848. Could we cable for it and get it here?—If you wait for it, in perhaps a month's time, you will get it, certainly, because there are several branches.

10,849. As a matter of fact, no such register is there; nothing of the kind; simply an individual here and there?—That is false, I deny it. My Lord Chairman, that is a downright untruth.

Sir Austen Chamberlain.

10,850. I hope we can preserve some measure of politeness in this rather acute family quarrel?—I am not responsible for it, Sir.

Sir A. P. Patro.

10,851. Are not the Brahmins mostly literate?—That is their great privilege, and they want to maintain that privilege of being literates and placing themselves at the service of others.

10,852. And the religious teachers of other classes?—That is a duty of every Brahmin. They want to serve every other class.

Dr. B. R. Ambedkar

10,853. Notwithstanding whether the other classes want them or not?—If the other classes do not want them, they will not go to them.

Major Attlee.

10,854. I just want to ask you one question, Mr. Deshpande. You say there exists a Council of Theologians—is that a standing body?—(Mr. Deshpande.) Yes.

10,855. About how many are there?—I do not exactly know, but the body exists; something like 15.

Mr. M. R. Jayaker.

10,856. Where does it exist?—At Benares.

10,857. Is that accepted by Hindus as an authoritative body for laying down ecclesiastical matters?—They were elected at some Conference of the Varnashram Swaraja.

10,858. Elected by a Conference of your Organisation?—By the Members at present of the Varnashram Swaraja.

Mr. M. R. Jayaker.

10,859. It is a body created by your Organisation?—Yes.

Major Attlee.

10,860. I will ask Mr. Acharya: Is there an established body, or an individual in the Hindu community, who

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can lay down what is orthodox or what is unorthodox?—(Mr. Acharya.) There is a body of learned men constituted last year, with its Headquarters in Benares, who will be able to say what are the fundamentals of the Hindu Dharmic or religion.

10,861. What proportion of Hindus would accept that body as authoritative?—All the Orthodox Hindus will accept it.

10,862. When you say "orthodox," what do you mean?—There are some few who rebel against all old things among the Hindus. All the Orthodox Hindus would accept their interpretation of the fundamentals of religion.

10,863. The point is this, that you want to have your religious usages protected. I want to know whether in the Hindu religion there is some repository of the faith, someone like a pope or archbishop, or church council, to whom they can refer. I understand you had one started last year?—Yes. We have the Shankara Charyas and other Acharyas that are regarded as the repositories of the faith in each sect or community.

10,864. Who was the authority before last year?—These have been from time immemorial. Last year we elected some into a body under the Sangha organisation for reference purposes. Them we brought into being as an adjunct to the Varnashrama Swarajya Sangha; but the old Shankara Charyas existed from time immemorial.

10,865. I gathered from a question before that it depended on some kind of democratic vote amongst the various authorities, as to whether certain things were orthodox or not. Was that the previous method?—No. If any question comes it will be circulated amongst the heads and their opinion will be taken.

10,866. Is there a list of accredited heads?—Yes, in every Province everybody knows who the recognised heads are, because it comes from old times. It is like the Archbishop of Canterbury and the Archbishop of York, and all these heads of bodies work together. Upon fundamentals they agree. Upon non-fundamentals they may not agree.

Mr. F. S. Cocks.

10,867. Mr. Acharya, Mr. Deshpande and Mr. Bannerjee, in your joint Memorandum you say you are opposed to the extension of the franchise as laid down in the White Paper. That is your view?—That is my view.

10,868. Is that Mr. Deshpande's view also?—(Mr. Deshpande.) I have stated first that I approved of it, but it is a coincidence that, instead of the word "generally," it has been printed "heartily," and there was a mistake in the print, but I did not point it out. I approve of it generally.

10,869. Do you approve or disapprove of the extension of the franchise?—I think that the present right of voting should be there. It should not be increased.

10,870. Do you agree with the proposals of the White Paper to increase the franchise?—I have stated there that at present I am against the immediate increase of the franchise. That is what I have stated now.

10,871. You are against the immediate extension?—Yes.

10,872. In your Memorandum you say: "To increase the number of voters in India is, in our opinion, a desirable principle indeed. And we heartily support the recommendations of the Franchise Committee which are accepted by the Government"?—That is what I said. The word is "generally," I said, and I meant that the increase was good, but then we had a conference and all of us were of opinion that it should be not immediately, but that the franchise should be increased by steps.

10,873. You agreed with this document but a few days later you do not?—This word "heartily" has been misprinted. I thought it was not worth while pointing it out. Under the heading "Provincial Autonomy" in my Memorandum No. 64 I say: "Already the White Paper has proposed a Second Chamber in the Provinces, United Provinces and Behar." Bengal has been omitted, so there were two mistakes, but I did not think I should correct them first; but the word "generally" ought to have been there instead of "heartily." I admit I was for the increase of franchise, but afterwards we thought it should not be immediately but by steps.

10,874. Is it your usual habit to change your mind every fortnight?—If I am convinced later by other people I have to change my opinion.

10,875. Is this an example of the views of the unchanging East? To bring up certain views and then to change them in a fortnight?—If I am convinced by other people I have to modify them.



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and Mr. J. L. BANNERJEE.

Mr. M. R. Jayaker.

10,876. Do the politically minded people in your Province and the neighbouring Provinces support these opinions?—I do not know whether they support me or not. I shall see when I go whether they support me or not.

Mr. F. S. Cocks.

10,877. I noted in your cross-examination just now that you are opposed to the Legislature having any power to enact laws raising the age of consent or even preventing voluntary suttee. You would be against that?—(Mr. Acharya) I cannot catch the question.

10,878. You are against the Legislature having any power to enact laws to raise the age of consent, or to prevent child marriage, or to make criminal the practice of voluntary suttee. You are against that?—I said in my answer that the forcible burning of widows was not suttee and should be abolished. I am for legislation against the forcible burning of widows. If you call it suttee you are at liberty to do so. I am for legislation abolishing suttee.

10,879. Do you know the Pandit Malaviya?—Yes.

10,880. Is he a Hindu of the most orthodox caste?—Yes, I believe he is.

10,881. Would he disagree entirely with those views you have just expressed?—You must ask him that.

10,882. Do you know of your own knowledge that he is opposed to those views?—I do not know; I believe he will support me.

10,883. Has he got a very much larger personal following than your organisation has?—I do not believe so.

10,884. How long has your organisation been in existence?—Four years.

10,885. Have you any members on the legislative bodies?—A few.

10,886. Why have you come here at all—for what purpose?—Because we felt from what we read of the report of the Round Table Conferences and from what we read of what was going on in the new Constitution, that there may be measures adopted which will affect our religion detrimentally and, which will not be in the best interests of India even from the political standpoint.

Earl Peel.

10,887. You say, Mr. Acharya, that your large party of Sanatanists have not

taken any part in politics up till quite recently?—Yes, it is true.

10,888. Are they now intending to come forward as a party and run candidates and have a policy of their own?—It will take some time for us to organise in that form. It is only four years that we have been in existence. I daresay very soon we will have to put up our own candidates for the various councils.

10,889. The Act of 1919, of course, contained a very great number of provisions running in a democratic current, did it not?—Yes.

10,890. Why was it that this very big body, so large as you state it to be, did not take action when the democratic institutions were set up some years ago?—We did not realise it.

10,891. You did not realise it until the White Paper was introduced?—No; we did not realise it until the Sarda Bill was introduced. It was then we saw how the Legislatures were being used to interfere with religious usages.

10,892. Then you thought your religious customs and usages might be interfered with by the Legislature?—Still more afterwards we feared.

10,893. You have told us you dislike our Western institutions, as applied to India, because they are not suited to Indian conditions. Could you give one an idea as to what sort of constitutional scheme, quite generally, would suit Indian conditions?—Yes. I have said it in a general way; the Panchayat system is very well suited to Indian conditions, and that is the best system of democracy in the world. Having that as a basis, then having Provinces of a smaller size, not the huge Provincial areas we have now, and then a number of these Provinces joined together to reach the ideal of an All-India Federation. That will be the way in which the thing will have to be built up gradually, with the strong foundations well laid. We also say provisionally, however, in order to satisfy the expectations that have been aroused, we are for Provincial autonomy and central responsibility of a kind.

10,894. You prefer that sort of democratic government, possibly, to what many people like in India, the Government of the Princes and the States; you prefer that form of democratic government which you have just detailed?—In some respects, but in some of the States that have the panchayats and all that, I think they will be equally good.

2° Augusti, 1933.] Mr. M. K. ACHARYA, Mr. L. M. DESHPANDE [Continued.  
and Mr. J. L. BANNERJEE

10,895. You say that India might as well be organised in States as in Provinces?—Yes, having the village panchayat democracy as the basis as it existed in the old days, I think.

10,896. I am looking at Joint Memorandum No. 72. May I take it that if the conditions about Second Chambers (and may I pay my tribute to your high opinion of the House of Lords) and the safeguards for religion are carried out and observed, then you are ready to accept the suggestions in Sections V and VI?—Yes.

10,897. And that that, in your view, would make those democratic ideas adaptable to Indian ideas?—In a great measure.

*Sir Hari Singh Gour.*

10,898. You have repeatedly stated and Mr. Acharya has repeatedly used the expression, "the fundamentals of the Hindu religion." I want to know what are the fundamentals of the Hindu religion which you are anxious to safeguard?—I have said that unless I have three hours I cannot make myself plain.

*Dr. B. R. Ambedkar.*

10,899. I would like to clear up a matter. Mr. Acharya, you stated that Pandit Malaviya has repudiated the implications of the Poona Pact. I want to ask you a question on that: Is not it a fact that Mr. Gandhi says that the Poona Pact, apart from settling the political problem, imposed a certain obliga-

tion on the Hindus to abolish untouchability and to open the doors of the Hindu temples to the untouchables?—That is what Mr. Gandhi says, I think.

10,900. The Pandit Malaviya says that is not the case: that the Poona Pact does not impose any obligation on the Hindus to do that and it is therefore that he says he does not agree with the implications of the Poona Pact. Is not that the case?—Yes, that is so.

10,901. It does not touch the political side of the matter. Mr. Gandhi says the Poona Pact imposes an obligation on the Hindus to open the doors of the temples. The Pandit Malaviya says there is no such implication at all?—Yes.

*Mr. M. R. Jayaker.*

10,902. Will Mr. Acharya turn to Memorandum No. 65, the words, "Swaraj or Self-Government on truly Indian lines, on lines consistent with India's Dharmic ideals, with the supreme law of Unity in and through Diversity for which the Sanatana Dharma or the World's Eternal Religion stands." Has he got any scheme of Swaraj based upon these principles of diversity and unity?—Yes; I have a book which I have handed over to some printers, and when that is out—.

10,903. We must wait until your book is printed in order to find out what your scheme is?—I am quite prepared to discuss upon it if I am given three days' time.

*Chairman.*] Thank you. We are greatly obliged to you gentlemen.

*(The Witnesses are directed to withdraw)*

Mrs. P. K. SEN and Mrs. L. MUKERJI are called in and examined, as follows:—

*Chairman.*

10,904. Mrs. Sen and Mrs. Mukerji, you are here on behalf of the Mahila Samiti Ladies' Association, you appeared before Sub-Committee C, where you handed in Memoranda Nos. 41, 42 and 43, on which Memoranda you were examined by that Sub-Committee?—(Mrs. Sen.) Yes, that is so, my Lord.

10,905. Nevertheless, you asked to be allowed to make a statement before the main Committee and the Delegates, and the Committee and the Delegates are willing to hear you now. I should like to tell you that your memoranda, to which I have referred, have all of them been circulated to the Committee, and

indeed have been in the hands of the Committee for some time, and also that the Proceedings at your examination have been before the Committee and the Delegates. I should like to add that you may presume that all in this room have applied themselves to that transcript. I understand that you wish to make a statement?—Yes. Thank you. I may now, with the permission of my Lord Chairman, be permitted to place before the Committee as briefly as possible the main points to be submitted. *The need for adequate numbers.* We are strongly of opinion that the most important thing to be secured in connection with the women's franchise is

2<sup>o</sup> Augusti, 1933.] Mrs. P. K. SEN and Mrs. L. MUKERJI.

[Continued.]

adequacy of numbers. Hitherto the women have formed such an insignificant proportion of the total electorate that their voting strength has been negligible. The numbers offered in the White Paper are regarded as most inadequate and have caused bitter disappointment, especially because they are so much below what we had been led to expect by the recommendations made by responsible investigating bodies such as the Simon Commission and the Indian Franchise Committee, after searching and prolonged inquiries. These bodies reported that universal adult franchise was not immediately practicable. The women whom we represent are therefore prepared to wait for adult franchise to come in the fullness of time, and to accept for the present any reasonable measure of representation, provided the numbers are sufficient to give women a real influence, and to compel the attention of candidates to our wishes. But the numbers offered by the White Paper will not do this. Nothing less than the proportion of 1 to 4½ offered by the Indian Franchise Committee will satisfy us. We earnestly hope we shall not have to go back to India to report that nothing better than the numbers proposed by the White Paper can be expected. Many women in India are hesitating between co-operation and non-co-operation. They love their country and have been attracted to non-co-operation because it has seemed to them the best way of serving it. But they will co-operate if they feel that new civic duties and the chance of managing their own affairs are opening out before them. The Government has laid much stress on the administrative difficulties of giving women a larger franchise. We venture to suggest that unrest among women may itself be a cause of serious administrative difficulties.

*Federal Assembly Franchise.* Regarding the Federal Assembly Franchise, the White Paper proposal is admittedly no improvement on the present ratio of women to men; that is, less than one woman to 20 men. It is true that the actual numbers will be increased but it is the proportion of women voters that will influence candidates who will have to please a large electorate. Hitherto social reforms affecting women, such as those concerning marriage, custody of children and inheritance rights, have made tardy progress in the Assembly

and women naturally want to have the weapon in their hands to work out their own salvation in these matters. In this respect, therefore, we feel compelled to put our demands still higher than what has been offered by the Indian Franchise Committee. We ask that the franchise for the Assembly may be given to the wives of Assembly voters. At the very least we urge that the educational test should be that proposed by the Indian Franchise Committee; that is, simple literacy for the first election. If it is thought impossible to give both these qualifications, we ask that at any rate one or other of them shall be given us.

*The Provincial Franchise.*—As to the Provincial Franchise, we may be permitted to repeat our two main points:—

(i) We want the simple literacy test, not so much for the sake of immediate numbers, which will be small, as for its effect in providing an automatic means of extending the franchise as education spreads. It appears that the Secretary of State sees difficulties in the way of a differential educational franchise for men and women. But we submit that there is ample justification for it on two grounds:—First very little has hitherto been done for giving educational facilities to women. Women's education has been grossly neglected, and the grants for it have been insignificant as compared to the grants for the education of men. The figures showing this disparity are already before the Committee. Secondly, there is a large number of women who are educated at home and unable to produce school certificates, but they would be able to show that they can read and write and thus satisfy the test of simple literacy. The other main point we press for is the removal of the condition about application in the case of the wife's vote. The administrative difficulties apprehended by His Majesty's Government apparently arise out of warnings from only one or two Provinces. If that be so, it would hardly be fair to make the rule as to application binding throughout all India, especially as its effect in weakening the women's electorate will be very great. As the Land Revenue Registers have all the particulars about each man's property qualification, all that is necessary to know is whether the man has a wife and whether she is of full age. We think that application might be made optional, so as to lessen the numbers about which special enquiries are necessary; and further, that the wife should

2<sup>o</sup> August, 1933.] Mrs. P. K. SEN and Mrs. L. MUKERJI.

[Continued.]

be allowed to be registered either as the wife of Mr. A. B., or by giving her full name. We think that the supposed difficulty about ascertaining names has been considerably over-estimated. There may be a difficulty in some districts, but we believe it could easily be surmounted. We venture to assure the Committee that Indian women will leave no stone unturned to help to overcome the administrative difficulties which the Government apprehend. We expect that many women volunteers will be forthcoming to give help in polling booths. But we want to make it quite clear that we think the insistence on application will have much more serious effects on the strength of the women's vote than His Majesty's Government apparently realise.

*Reserved Seats for the Federal Assembly and for the Provincial Legislatures.*—The principle on which the reserved seats for women have been allotted is not understood by us. Bengal, with a population of 50 millions, has been given only 1 seat for women in the Federal Assembly and 5 seats in the Provincial Legislature; while Bombay with a population (without Sind) of 18 millions, and Madras with a population of 45 millions, have been allotted a larger number of seats for women both in the Federal Assembly and in the Provincial Legislatures. We would urge that this matter should be reconsidered and justice done to Bengal. The women of certain other smaller Provinces have been given no reserved seats at all in the Federal Assembly. These are just the Provinces which need reserved seats most, as they are least likely to return women members through the ordinary constituencies.

*Method of election to reserved seats.*—Regarding the election to these special seats to be reserved on the Federal Assembly, we submit that the election should not be by the Provincial Assembly, but by some direct method. We recognise that large and unwieldy constituencies should be avoided. With a view to attaining this object, several alternative schemes have been suggested. Of these, we approve the method of taking as the constituency the whole or part of the capital town of the Province, or the prominent cities of the Province, by rotation, but it should be open to any woman candidate from the whole Province to stand for election. We are sorry that it is proposed to allot the reserved seats in the Provincial Legislatures on a communal basis. The

organised women of India are unanimous in feeling proud that they have hitherto kept free from the communal spirit and wish very much that it should not be introduced into elections under the new Constitution. If His Majesty's Government feels pledged to retain the proposed distribution of seats between the communities, we urge that at least the method of election to these seats should be through joint electorates, including the men and women voters of all communities.

*The Council of State.*—As to the Council of State we submit the following points:—

(1) The qualification for membership of the Council of State proposed in paragraph 27 of the White Paper, would rule out nearly all women, as very few possess these qualifications. We ask that there may be in addition some qualification which would render at least some women eligible, who have taken a leading part in educational, social or other public work.

(2) We suggest also that one or two seats should be reserved in the Council of State for women, at least for the first two elections. The election to these seats might be by all the women members of all the Legislatures, who might form an Electoral College for the purpose. We are thankful that the Secretary of State has himself said that he thinks it most important that there should be some women in the Council of State, and we venture to hope that some suitable arrangement may be made for securing this.

We know that it has been suggested by some of the women's organisations in India that instead of the proposal to give votes to wives on their husbands' qualifications, complete adult franchise should be granted to men and women in urban areas. We wish to make it plain that we ourselves do not share the objection of these organisations to the wife's vote. We think that the wife's vote would secure a better distribution of the total women's vote among the constituencies and we should not like to see the women of the rural areas excluded from their fair share of representation.

Above all, however, we want to see adequacy of numbers, and we entreat the Committee not to let us go back to India without feeling some assurance that in some way or other His Majesty's Government is bent on securing

2<sup>d</sup> August, 1933 ] Mrs. P. K. SEN and Mrs. L. MUKERJI. [Continued.

for the women of India their fair share in the working of the new Constitution. Without this, we do not see how we are to secure the many improvements in social conditions which are most essential to the welfare of our homes and our children.

10,906. Mrs. Mukerji, do you desire to add anything?—(Mrs. Mukerji.) With your Lordship's permission, may I say that when I was cross-examined the other day as to the existence of communal feeling in women, I was unprepared, and I fear I did not do justice to the woman's point of view? I wish to bring before your Lordship and before the entire Franchise Committee present to-day the fact that the chief communal idea in women has for many years, say the last 50 years, since the dawn of their awakening, been a communal idea of one sex against the other. At heart all women have united no matter what community, caste or creed, in one effort to wrest from the opposite sex, who have been responsible for placing them in their present position of inequality, their social professional, legal and civic rights; and no matter if in the far future they enter the field of profession shoulder to shoulder with men in India, this communal idea will never come in, because they will have the strong sentiment that they have only risen to this status of equality by their bond of unity as sisters, irrespective of caste, creed and race. If your Lordship will permit me, there are a few other words I should like to say in regard to the social welfare work as bearing on the advancement of social welfare, if the women are well represented in all the Councils and Assemblies. I wish to add that through an oversight I omitted some of the important Associations in Bengal which are carried out conjointly by men and women. There is the Anti-Tuberculosis Association in Calcutta, which has several branches in the different localities, which is conjointly carried on by men and women. Collecting boxes are given out to all the different business firms, and monthly and yearly subscriptions are paid by all the members. There is a Leper Settlement outside Calcutta for which women collect clothing, etc.; and there is an arrangement made to visit the mentally deficient who are discharged from asylums. District Visiting in Slums is also carried out; and all this is done by men and women conjointly. There is a Bengal Women's Educational Conference of great importance which I omitted the other day, in which they

have evening classes carried out by ladies, for the poor children who cannot sometimes attend the ordinary schools, especially for girls. There is also a Nurses' Guild organised by women, where the nurses are entertained weekly as a club. I simply place these few facts before you because your Lordship cross-examined me on the point of anti-malaria work, and therefore I put before you the anti-tuberculosis work which is done conjointly by men and women.

Major Atlee.

10,907. I want to ask you a question, Mrs. Sen, with regard to the competence of women to give an opinion on public affairs. Does not the Indian mother in the home frequently control the home?—(Mrs. Sen.) Yes, certainly she does. She is the dominating influence in the home.

10,908. Do you think that women are as capable of understanding a political issue as their husbands?—I think they are, certainly.

10,909. One further question. I gather that you have no objection to a wife receiving a vote on the qualification of her husband?—No. I have just said that. We support that. (Mrs. Mukerji.) On the other hand, we think that there can be nothing derogatory in that if a woman is willing to live on her husband's earnings and to take his name instead of her own. I think it is rather contradictory if she objects simply to get a vote on the strength of his property qualification.

Mr. N. M. Joshi.

10,910. Have you considered the qualification of annual income as suitable for increasing the number of women voters, say, an annual income of so many rupees a year earned not from landed property, but from any source—from their own labours. Have you considered that qualification at all?—(Mrs. Sen.) Yes, we have, but it only affects the working woman; the women of the middle classes or the upper classes do not earn themselves.

10,911. But the working women do?—Yes.

10,912. You would not object to the working women getting the vote?—No.

10,913. May I take it you are anxious that the working women should get the vote?—Yes.

2<sup>o</sup> August, 1933.] Mrs. P. K. SEN and Mrs. L. MUKERJI.

[Continued.]

10,914. You are not against an annual income, from whatever source derived, as being a qualification for a vote?—We have no objection to that, but it would be very few, and it would not be the intelligent voter, it would be only the working women's vote, whereas we want also the intelligent vote.

10,915. May I ask whether you are against the working women getting votes?—No.

10,916. Have you considered the number of women that will be added to the voters' list if you make any kind of income as a qualification?—No, we have not considered that.

10,917. If I tell you that about 1,000,000 women could be added to the franchise roll, you would favourably consider such a qualification?—It is only 1,000,000. We consider the wife's vote as most suitable if we have to have special qualifications, because we would be getting 4,000,000, and this, as you say, would be giving us 1,000,000.

10,918. I am not suggesting that the wife's vote should be taken away; but as an additional qualification?—Certainly, in addition.

10,919. You are not against a working woman getting a vote?—No; we consider that they should have the vote.

Sir Hari Singh Gour.

10,920. Do you know anything about the Varnashram Swarajya Sangha?—No.

10,921. Did you hear anything at all about it?—No.

10,922. Mrs. Mukerji, do you know anything about it?—(Mrs. Mukerji.) Do you refer to Mr Gandhi's Ashram?

10,923. No. Have the women of India any objection to the Legislature dealing with the improvement of the condition of the men and women through the medium of legislation?—(Mrs. Sen.) No, we have not.

10,924. You are pressing for it?—Yes.

Mr. M. R. Jayaker.

10,925. The Varnashram Swarajya Sangha to which Sir Hari Singh Gour refers has made a representation before this Committee that the legislation of the future should have no power to legislate with respect to socio-religious customs of the Hindu community. Do you approve of such a proposal?—No. (Mrs. Mukerji.) No.

10,926. If such a proposal were granted do you think it would largely interfere with carrying out remedial measures of reform with regard to women's rights?—(Mrs. Sen.) Certainly it would. (Mrs. Mukerji.) We think so.

Begum Shah Nawaz.

10,928. Mrs. Sen, would I be right in saying that if the minimum number of women voters, which almost all the women's organised Associations are asking for, is not accepted by the Joint Parliamentary Committee appointed by both the Houses of Parliament, almost all these organisations, which are at present devoting their energies to educational progress and social reform, will then concentrate more on agitation than anything else?—Yes, certainly I consider that likely.

10,929. Agitation for votes?—As I have already said in my Memorandum, and it has been stressed by the different organisations, that is the minimum that we can expect, what the Indian Franchise Committee has offered us; that is 1 to 4½.

Marquess of Lothian.

10,930. One of the witnesses yesterday stated that so close were the relationships between the husband and wife in India that it was adequate really to enfranchise the husband because he really represented the woman's point of view. Would you agree with that point of view?—No, I would not. I think it would be really raising the status of the wife if you gave her the vote on her husband's property qualification, because we do not consider that the husband's property is only his own. They are considered to be joint properties. We take it that way.

10,931. Am I right in saying that you think there is a definite women's point of view about social reform which requires to be represented through the medium of women's votes and women's representatives, if India is to make progress on a balanced line? Is that your view?—Yes, certainly.

Sir Akbar Hydari.

10,932. Mrs. Sen, you are a distinguished member of the Brahmo community?—Yes.

10,933. And you, Mrs. Mukerji?—(Mrs. Mukerji.) Yes.

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[Continued.]

10,934. What is the proportion of Brahmo's to the orthodox community?—(Mrs. Sen) Very small. I do not know the exact figures, but it is very small

Mr. M. R. Jayaker.

10,935 Your sentiments on this point are shared by the Hindu women who are not Brahmos?—Yes, certainly, a large majority of the Hindus.

Sir Hari Singh Gour.

10,936. You have come here as the representatives of the women of India

irrespective of community and caste and classes?—Yes. The Brahmo faith and community are all-embracing.

10,937. And you speak for them, and in their name?—Yes.

10,938. And you have received a mandate on the lines on which you have given your evidence?—Yes

Chairman.] Thank you, we are greatly obliged to you ladies for having appeared here to-day, and for having made a very clear statement.

(The Witnesses are directed to withdraw.)

Rajkumari AMRIT KAUR, Dr. MUTHULAKSHMI REDDI and Mrs. HAMID ALI are called in and examined.

Chairman

10,939. Rajkumari Amrit Kaur and Mrs. Hamid Ali, you appeared before Sub-Committee C, and you handed in Memoranda marked 49 and 56 on behalf of the All-India Women's Conference, the Women's Indian Association and the National Council of Women in India. You were examined by Sub-Committee C in detail upon those Memoranda. Those Memoranda have been in the hands of the whole Committee and the Indian Delegation for some time, and the transcript of proceedings at the time of your examination by Sub-Committee C has also been in the hands of the whole Committee, and the Delegation and Members have had ample time to inform themselves of what you said in answer to the various questions put to you. Dr. Reddi, you were prevented from attending Sub-Committee C, but you appear now with the other ladies as responsible for these Memoranda?—(Dr. Reddi.) Yes.

10,940. At the time of your examination by Sub-Committee C it was arranged that you should have this opportunity of making a statement which I now invite you to deliver?—(Rajkumari Amrit Kaur.) We, the elected representatives of the three main Women's Organisations in India are glad that we have been given an opportunity of placing the Indian women's point of view before the Joint Select Committee. In the light of some of the questions asked of us the other day by members of the Sub-Committee before whom we were asked to appear for preliminary evidence, as also with a view to clarifying further our position as set forth in our Memorandum 2, and our recent supplementary statement bearing thereon, we wish to make

a further statement, which together with the aforementioned will, we sincerely hope, meet with the earnest and careful consideration of the Joint Select Committee on Indian Constitutional Reform. Our Supplementary Statement has already given the members an idea we hope, of the representative nature of the organisations which we have the honour to represent. We would, while emphasising that these Associations have branches spread over the entire length and breadth of India (both British and Indian) also lay great stress on the democratic nature of the constitution of these organisations. In the All-India Women's Conference, for example, every delegate to our annual gatherings has to be elected by her constituency or sub-constituency in open meeting where every woman has the right to vote. These elected delegates, in their turn, elect for a period of one year the Office Bearers of the Central Committee at the Annual Sessions. The Central Committee meets twice a year, and in addition to the Chairwoman, Vice-Presidents, Secretaries and Conveners of Sub-Committees, consists of the Standing Committee members of each constituency who, again, have been elected for the year by the constituency they represent. Work is unremittingly carried on throughout the year, and a perusal of the Annual Reports of our Organisations, which we have pleasure in submitting, will apprise the members of the Joint Select Committee of the nature and wide scope of our activities. We have no subscription for our membership of millions of women, because we want every woman—however poor she may be—to feel that she is taking an active part in our meetings. We have stressed this point in order to



2<sup>o</sup> August, 1933.] Rajkumari AMRIT KAUR, Dr. MUTHULAKSHMI [Continued.  
REDDI and Mrs. HAMID ALI.

prove that we do represent the opinion of the womanhood of India as a whole. And here, while acknowledging our immense gratitude to those men and women in Britain who have worked for our cause, we still maintain that it is we organised women of India who, by our experience and inner knowledge of the present conditions in our country, have the primary right not only of voicing the opinion of Indian women, but also of knowing what measures are most suited to ameliorate our conditions. The question of Franchise for women and their status in the new constitution of India, has exercised our minds greatly during the past three years for it is a matter that concerns in a vital manner the entire womanhood of our country. Our organisations have throughout stood for Adult Franchise, or, failing that, any system based thereon which would—after a short transitional period—lead to the goal which has been universally recognised as the ultimate desideratum. We still adhere to our opinion that Adult Suffrage is the only logical and desirable method of fairly enfranchising a whole people and, if it had been accepted, as we suggested, by means of the Group System for the first few elections, all the differential qualifications and resort to expedients divorced from basic principles, and the welter of communalism in which our country is to be further embroiled, by means of not only a cumbersome but an exceedingly expensive machinery, would have been avoided. We would still press, if we could, for a reconsideration of these proposals, for we have not been convinced that they are either administratively impracticable or financially impossible. Before any reference to the alternative proposals which we have now proffered (as Adult Franchise or any system based thereon has been definitely ruled out) we should like, briefly, to reiterate not only our unqualified disapproval of the main recommendations contained in the White Paper as touching the womanhood of India, but also prove how retrograde and unsatisfactory they are. We confess we are entirely at a loss to interpret the mentality of those responsible for these recommendations as they vary from Province to Province, and there seems to be no uniformity in them. In the case of reservation of seats for women, several Provinces have been left out altogether. Differential educational qualifications have been recommended, a lower one for

the most advanced Province educationally, and higher ones for those less advanced. Even the Motor and Vehicle Tax qualification, which will enfranchise a certain number of women all over India and could enfranchise many more who might not otherwise be eligible, has been recommended for Madras only. The wives and widows of those holding, or who would have held, educational qualifications have been wholly ignored, while those of the property holders only are recommended for enfranchisement. Well might the former have a very legitimate grievance and, even in the case of the latter, the condition of application that has been laid down will eliminate them almost entirely from being enfranchised in reality. In the Lower House of the Assembly (the main House where all remedial legislation concerning the whole of India must come) a system of indirect election for women has been proposed whereby we shall, of course, never be able to return our best women. No such proposal is made for any other class or community in India. In the Upper House there seems to be no place whatsoever for women. As far as numbers are concerned, we cannot but be depressed rather than heartened when succeeding Committees and Commissions, instead of progressing *pari passu* with the rapid advance of India's women, have, on the contrary, taken retrograde steps. The Simon Commission recommended our ratio to men voters in the proportion of 1 to 2. The Indian Franchise Committee brought it down to 1 to 4½, and the White Paper has further decreased it to 1 to 7. We will also have you remember that this 1 to 7 is on paper, and will, in practice, work out at 1 to 15, probably, in the Provincial Councils and 1 to 20, or even less, for the Federal Assembly. It seems almost as if they are ostensibly giving with one hand on paper and taking away with the other in reality. Taking the White Paper as a whole, we are irresistibly led to the conclusion that its recommendations have been conceived in the narrow atmosphere of Provincialism rather than in an All-India spirit. The alternative proposals now proffered by us after mature consideration have appeared to us to be what we might describe as a "second best" under what is going to be a very restricted franchise for India. In the framing of them we have kept in mind six main principles:—

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(1) the recognition, *ab initio*, of women's rightful place in the Constitution, (2) the numbers of women enfranchised, (3) the strength and quality of the woman's vote, (4) as few differential qualifications between men and women as possible, (5) the simplification of administrative difficulties in the preparation of electoral rolls, and (6) the avoidance for ourselves of entrance into the Communal arena. We are grieved to note (1) That no effort has been made by those responsible for the White Paper, to abolish sex disqualification and thereby give to women their rightful place in the future Constitution of our country. If, as we have been so often told, by those in authority, the Government is really anxious to give women free and full opportunities of service to the country, we urge that there must be a clear pronouncement, either in the Declaration of Fundamental Rights—if there is to be one—or in the Instrument of Instructions—or in whatever manner selected by them on a Statutory basis to the effect that there shall be "equal rights and obligations of all citizens without any bar on account of sex, and that no disability shall attach to any citizen by reason of his or her religion, caste, creed or sex in regard to public employment, office, or power or honour and in the exercise of any trade or calling." We are quite certain that this very natural desire on our part for a full and free recognition of our inherent right to citizenship must be conceded if we are to make a valuable contribution to the life of India in any sphere whatsoever. (2 and 3) We are naturally most desirous of placing as large a number of women as possible under the circumstances on the first electoral roll. We attach great importance—working as our Organisations are for reform in every sphere pertaining to our sex—to the numerical strength of the woman's vote. It, therefore, follows that when we are desirous of having this strength in numbers we must also, in an enormous country like India, and in the limited franchise that we are forced to have until Adult Suffrage is attained, see that it is a strength that will really count. In other words, that the woman's vote will be strong enough to enable them to return, not only women, but men of their choice to the Councils and Legislatures. This is a factor of vital importance to us when we are struggling to free ourselves from the social, educational and other disabilities under which we are

suffering. Our reasons for advocating the "literacy" qualification are clearly set forth in our supplementary statement, but we feel we must bring to the notice of the Committee, that unless this qualification is given to all Provinces, women will be almost entirely debarred from coming on to the Electoral roll. We have also explained fully why we demand Adult Suffrage in Urban Areas. These, as they exist to-day, already include a large number of what are known as agricultural villages. Therefore, the contention that the Urban is going to be enfranchised at the expense of the Rural population is fallacious, and the fact that we are not asking for an increase in Urban seats in the Legislatures, is another argument in our favour. The reasons for our strong opposition to the enfranchisement of wives and widows of those holding the property qualification, are again clearly enunciated in our supplementary statement, and we do hope that the Committee will enter into our feelings with an impartial mind. For if they are, as they have repeatedly stressed, desirous of making the woman's voice heard in the future administration of India, the very limited numbers of women which are to be on the Electoral roll until such time as Adult Suffrage is attained must be those women whose vote will carry weight. (4) We have tried to place proposals that will create as few differential qualifications as possible between men and women, for that has been our standpoint from the very beginning. (5) Our suggestion that the Electoral roll for both Provincial and Federal Legislatures should be the same, will not only help to simplify administrative difficulties in abundant measure, but will also effectually decrease expenditure. This applies in equally strong measure to our proposal for Adult Suffrage in Urban areas. These are, therefore, potent arguments in favour of our proposals and will, if accepted, eliminate all the difficulties envisaged in preparing electoral rolls in the event of the wives and widows of property holders being enfranchised. (6) The Committee is fully aware of the united stand of the women of India against communal and separate electorates, as also against the reservation of seats which must, in the very nature of the White Paper proposals, be on a Communal basis. The Secretary of State in reply to a question by Miss Pickford on the 21st July, regarding reserved seats

2<sup>o</sup> Augusti, 1933.] Rajkumari AMRIT KAUR, Dr. MUTHULAKSHMI [Continued.  
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for women, said. "The communal question, of course, as she knows, does enter into the question of these women's seats very definitely." We wonder whether the full implication of this answer has been realised by the Members of the Committee, as it has by us. In practice it will mean that every woman will have to enter the Councils, or the Assembly, on a communal ticket. It follows that she will have necessarily to be loyal to that community, and in the event of any controversy arising as regards the passage of remedial legislation or any whittling down of the same which concerns the women of any particular community, the women of other communities will be debarred from giving their full support or otherwise in matters of outstanding importance to the entire womanhood of India. And, of course, we need hardly add that we shall not have the choice, of returning the women of our choice, either to our Councils, or to the Assembly. We women, are, therefore, determined not to let this spirit of separation, so highly detrimental to our national interests, enter into our ranks. Surely it must be recognised by all fair-minded people that to force us against our will into a room and tell us that the door is locked, is against all canons of justice. When the Secretary of State says that the Communal Award was forced on His Majesty's Government by all the communities in India, we would remind him, in all humility, that 47 per cent. of the population of India were never a party to it and will never accept it. It is a matter of extreme regret to us that our earnest and united and repeated demands have not met with any success. We are forced to wonder if any attempt has ever been, or ever will be made, to meet us in a spirit of co-operation. We have refused "reservation of seats" and advocated Joint Electorates from the very beginning because we were opposed to expedients on principle and did not want to find our place in the Councils of our country in a spirit of separation. We were content to have even fewer number of women in these Councils if we, at least, could keep out of the Communal tangle. Ostensibly, we are told that we are being given "reserved seats" simply because we shall not be returned in sufficient numbers to the Legislatures by the open door of election. We are confident that we will be returned, but leaving that aside for the moment, would it not have

been possible for the British Government, if "reserved seats" had to be, to have had them through a system of direct election by joint electorates and on a non-communal basis? The British Government have openly said that they are not in favour of separate electorates, but that the inability of the manhood of our country to come to an agreement amongst themselves has forced the Communal Award on them. If they sincerely believe this, could they not stretch out the right hand of fellowship to an important half of India—may we say the better and wiser half—wiser politically, and, surely, more right morally, on this particular issue? Or must we come to the conclusion that the will to help is not there and that the womanhood of India does not really count and that woman's independence is to be sacrificed "to circumstances or to the needs of any particular community"? If the answer be in the affirmative, time alone can prove whether we women do, or do not count. All we can say is that, if the proposals contained in the White Paper are not radically altered in the light of what we have been privileged to enunciate, and if recommendations contrary in principle as well as in detail to our united demands are carried through in spite of our protests, the co-operation of the womanhood of India will certainly be alienated and there will be a country-wide agitation, the outcome of which it is difficult to forecast. We shall press forward undeterred and undaunted towards our goal, come what may, conscious of the justice of our cause and the certain hope of ultimate success, delayed though this may be by the many obstacles which seem to beset our path. *Maxima est veritas et prævalebit.* We appeal, therefore, in all earnestness and in all humility to the Joint Select Committee to focus the searchlight of truth on the principles underlying the demands of the womanhood of India as placed before you to-day by their elected representatives, and we sincerely pray that we may still count upon the proverbial sense of justice and fair play of Great Britain in dealing with this momentous issue.

10,941. Dr. Reddi, do you desire to make a statement?—(Dr. Reddi.) No, I subscribe to the statement that has been made.

10,942. Mrs. Hamid Ali, have you anything to say?—(Mrs. Hamid Ali.) No; I entirely agree with the statement.

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Sir Hari Singh Gour.

10,943. Have you heard of the existence of a Varnashram Swaraja Sangha?—(Dr. Reddi.) Yes, we have heard of it through the Press.

10,944. Have you heard of it, Rajkumari?—(Rajkumari Amrit Kaur.) No, I have not.

10,945. Have you heard of it, Mrs. Ali?—(Mrs. Hamid Ali.) I have never heard of it.

10,946. Dr. Reddi, what have you heard about it?—(Dr. Reddi.) That it is composed of a very reactionary set of people who do not hold any modern view on many of the questions and problems that concern humanity.

10,947. Do they voice the feelings of the people of your Presidency?—Certainly not.

10,948. Do they voice the feelings of any considerable section of the people of your Presidency?—Certainly not.

10,949. One of the recommendations of that body is this. I will read it to you, and I want you to give your judgment upon its merits, and as voicing the feelings of the womanhood of India, you, the women of India. They say: "We want that our religion should be absolutely safeguarded. This can be done by enacting that the future Indian Legislatures (whether Federal or Provincial) shall be debarred from passing any measure affecting the personal law or the religious faith, practice, institutions and usages of any community." Do you subscribe to that?—I know, because I have been moving with all sections of women in our country and no section of women, to my knowledge, will subscribe to this view. This Association does not have women on their membership.

Sir Phiroze Sethna.

10,950. They say they have hundreds of thousands?—We have not heard about it. We tour about the country. We have branches in India. We have not read in the papers that there is any woman in this body.

Mr. M. R. Jayakar.

10,951. There are a number of social customs and usages in Hinduism which affect injuriously the status and rights of women, are there not?—Yes, there are. I would not call it religion. Perhaps somebody else would call it religion. It depends upon the individuals whether you call it religion or not.

10,952. You would desire the future Legislatures to pass ameliorative legislation or remedial legislation so as to remove these grievances of women?—Certainly.

10,953. And if the future Legislatures were to be deprived of the power of passing such remedial legislation, women's reform would not progress at all?—That is why we want to influence public election, and also we want to be returned to the Councils and Assemblies which are going to be law-making bodies.

10,954. Do you think if the Legislatures of the future were deprived of the power of passing such legislation, it would cause considerable resentment in the ranks of Indian women?—It would cause considerable harm.

Begum Shah Nawaz.

10,955. Rajkumari, am I right in concluding from your Memorandum, as well as from your statement, that if the rights of Indian women are safeguarded under the new Constitution, as individual members of the State, members of your organisations will be prepared to co-operate whole-heartedly in making the new reforms in India a success?—(Rajkumari Amrit Kaur.) May I ask for a little further elucidation of that question, because I have not followed Begum? I do not know exactly what she means.

10,956. I put a general question?—Yes, certainly, if our rights are safeguarded.

10,957. As individual members of the State?—Yes, if we are recognised, if our demanded and our inherent right of citizenship are recognised, of course.

Lord Irwin.

10,958. Rajkumari, in your statement several times you used the word "constituency"—the people were chosen by their constituency, sub-constituency, and so on?—Yes.

10,959. Could you give the Committee in a sentence an indication of what is the basis of the organisation, as expressed by that term?—Yes. Of course, you will find it very clearly stated in the All-India Women's Conference Report which I am submitting; but in our Provinces we have so many constituencies, and those constituencies divide themselves into so many sub-constituent areas; for instance, in the Punjab, we have what we call the Punjab Central Constituency, which includes Lahore and the surrounding districts. Then we have the Punjab East Constituency,

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which has its headquarters in Umballa and includes all the districts there, and then the Punjab North Constituency which would embrace Rawal Pindi and that side.

10,960. What I really wanted to get at was, what women are allowed to vote? Do you invite as many women as are interested in these questions to come, and whoever comes has a right to select their representative?—Yes; when we hold our meetings we place before them resolutions, having explained questions to them, of course, because a great number of women who come are really illiterate and not able to read newspapers; so we explain things to them. Then we place resolutions before them, or when it comes to electing delegates who go and vote for that constituency or sub-constituency at the annual session, every woman present has a right to vote.

Marquess of Zetland.

10,961. May I ask one question? Rajkumari, did I understand you correctly to say that the women of all communities are opposed to separate communal electorates?—Yes.

Sir Akbar Hydari.

10,962. Was not at one time the seclusion of women, the purdah, considered by many Muslim religious leaders to be a matter of religion?—(Mrs.

Hamid Ali.) It was at one time, but wrongly so. You remember in the very early stages of Islamic history purdah was not practised; it only came in later on. Purdah as it is understood in India is not a religious custom at all; it is only a customary custom.

10,963. I wanted to ask you whether, if, for instance, it was made penal for a Muhammadan woman to go out unveiled, if such a law had been in existence, and if the Government of the day had desired to remove this disability, would not the Muslim religious leaders of that time have said that this was interfering with their religion?—I have heard of such a law in Afghanistan and Persia, but I am bound to confess I have never heard of such a law in India.

10,964. You would not, therefore, allow the Legislative Authority of the Indian Legislature with regard to customs of this kind to be made dependent upon the will of any religious body?—No. I think when it is a matter of custom it should not be made into a religious question at all.

10,965. You would not make it dependent upon any particular class of religious leaders to say that this is a matter of religion and not of custom?—Certainly not.

Chairman.] We are greatly obliged to you, ladies, for having appeared before us to-day, and for having made such a clear statement. Thank you very much.

(The Witnesses are directed to withdraw.)

Ordered. That this Committee be adjourned to to-morrow at half-past Ten o'clock.



DIE JOVIS, 3<sup>o</sup> AUGUSTI, 1933.

Present:

Marquess of Zetland  
 Marquess of Linlithgow.  
 Marquess of Reading  
 Earl Peel.  
 Lord Ker (Marquess of Lothian).  
 Lord Irwin.  
 Lord Rankeillour.  
 Lord Hutchison of Montrose  
 Major Attlee.

Mr Butler.  
 Major Cadogan.  
 Sir Austen Chamberlain.  
 Mr. Cocks.  
 Sir Reginald Craddock  
 Mr Davidson.  
 Sir Samuel Hoare.  
 Lord Eustace Percy  
 Miss Pickford.

The following Indian Delegates were also present.—

## INDIAN STATES REPRESENTATIVES

Rao Bahadur Sir Krishnama Chari.  
 Nawab Sir Liaqat Hayat-Khan.  
 Sir Akbar Hydari.

Sir Mirza M. Ismail.  
 Sir Manubhai N. Mehta.  
 Mr. Y. Thombare.

## BRITISH INDIAN REPRESENTATIVES.

His Highness the Aga Khan.  
 Dr. B. R. Ambedkar.  
 Sir Hubert Carr.  
 Mr. A. H. Ghuznavi.  
 Lt.-Col. Sir H. Gidney.  
 Sir Hari Singh Gour  
 Mr. M. R. Jayaker.  
 Mr. N. M. Joshi.

Begum Shah Nawaz  
 Sir Abdur Rahim.  
 Sir Phiroze Sethna.  
 Dr. Shafa' At Ahmad Khan.  
 Sardar Buta Singh.  
 Sir Purshotamdas Thakurdas  
 Mr. Zafrulla Khan.

## THE MARQUESS of LINLITHGOW in the Chair.

The Chairman informed the Committee that he had received a letter from His Highness The Aga Khan informing him that most of the Delegates did not desire

to ask for an unalterable date to be fixed for the termination of the period of consultation with the Delegation.

Mr. J. BHANDARI, Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED are called in and examined as follows:—

*Chairman.*

10,966. Dewan Bahadur Sir T. Vijayaraghavacharya, you joined the Madras Civil Service in 1898 and after occupying various appointments in that Service became Dewan of Cochin in 1919. In 1926 you officiated as Director of Industries of Madras, and later on in the same year became a Member of the Central Public Service Commission. Since September, 1929, you have held the post of Vice-Chairman of the Imperial Council of Agricultural Research. From June, 1922, to March, 1925, you held the special post of Commissioner for India at the British Empire Exhibition?—(Sir T. Vijayaraghavacharya.) Yes.

10,967. Mr. J. Bhandari, you are Accountant-General, Posts and Tele-

graphs; President of the Indian Officers' Association. You joined the Indian Finance Department in 1906. The posts which you have held include that of Additional Assistant Secretary to the Government of India in the Financial Department; Deputy Accountant-General, Central Revenues; Deputy Accountant-General, Posts and Telegraphs; Officiating Accountant-General in Bihar and Orissa and Bengal?—(Mr. Bhandari.) Yes.

10,968. Mr. Ghulam Mohammed, you are employed now in the Railway Accounts Service, and have been in that service since 1925. Before that you served in the Indian Audit and Accounts Service. Amongst other appointments that you have held are that of Assistant Director in the Finance Branch of the

3<sup>o</sup> Augusti, 1933.]

Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYABAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

Railway Board's Office, and also Deputy Secretary of the same?—(Mr. *Mohammed*.) Yes.

10,939. At the present time you are on foreign service with Bhopal State?—Yes.

10,970. You gentlemen are here on behalf of the Indian Officers' Association, and you hand in two Memoranda to the Committee which are marked No 51 and No. 52?—Yes. They are as follows:

#### MEMORANDUM 51. INDIAN OFFICERS' ASSOCIATION.

1. The Indian Officers' Association was formed and registered in 1923. The objects of the Association may be summed up as follows:—

(a) To render efficient and loyal service to the Crown and the Country.

(b) To foster a spirit of co-operation and *esprit de corps* among the members.

(c) To safeguard and promote the common interests of all the members of the Association.

(d) To represent to proper authorities the grievances of any member, members or class of members of the Association, as occasion may arise.

(e) To co-operate with other Associations having similar objects.

(f) And generally to do all such other acts, matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them.

The Association is open to officers of the following Superior Civil Services.—

- (1) Indian Civil Service
- (2) Indian Forest Service.
- (3) Indian Educational Service.
- (4) Indian Agricultural Service.
- (5) Indian Service of Engineers.
- (6) Indian Veterinary Service.
- (7) Imperial Customs Service.
- (8) Indian Audit and Accounts Service.

(9) Superintendents and Class I of the Survey of India Department.

(10) The Superior Staff of the Geological Survey of India Department.

(11) The Superior Staff of the Postal and Telegraphic branches of the Post and Telegraph Department.

(12) The State Railway Engineering Service.

(13) The Superior Revenue Establishment of State Railways.

(14) The Superior Staff of the Mint and Assay Department.

(15) The Archaeological Department.

(16) The Zoological Survey of India.

(17) Indian Forest Engineering Service.

(18) Indian Meteorological Department.

(19) The Botanical Survey of India.

(20) The Department of Mines in India.

(21) The Controller of Patents.

(22) The Curator, Herbarium, Royal Botanical Garden, Sibpur, Howrah.

(23) General Central Service, Class I.

2. It is the only representative Association in India of the kind and includes members drawn from the various services mentioned above serving under the Central and the Provincial Governments. Its opinions and recommendations on all questions directly or indirectly affecting the Indian Officers have always received special consideration from the Government. The Association has had the privilege of giving evidence, both oral and written, before the Royal Commission of 1923 and the Indian Statutory Commission of 1928-29.

3. Before the Association makes its own submissions, it may be permitted to give a *résumé* of the proposals in the White Paper relating to the general conditions of service. The provisions for safeguarding pensionary rights have been discussed separately in paragraph 7 below.

As regards the persons appointed by the Secretary of State in Council, the conditions of their service, pay, allowances, discipline and conduct are at present regulated by that authority (*vide* Section 96 B (2) of the Government of India Act of 1919).

Among their existing rights set out in Appendix VII, Part I, of the White Paper is included the guarantee to persons appointed before the commencement of the Government of India Act, 1919, of existing and accruing rights or compensation in lieu thereof (Section 96 B (2)). At present the guarantee is limited



3<sup>o</sup> Augusti, 1933.]

[Continued.]

to such persons. In paragraph 182 of the White Paper, however, it is proposed that "every person appointed by the Secretary of State in Council, before the commencement of the Constitution Act will continue to enjoy all services rights possessed by him at that date or will receive such compensation for the loss of any of them as the Secretary of State may consider just and equitable." Paragraph 184 *ibid* further provides that "every person appointed by the Secretary of State will continue to enjoy all service rights existing as at the date of his appointment or will receive such compensation for the loss of any of them as the Secretary of State may consider just and equitable." This paragraph extends the right of compensation for the loss of career or prospects to persons to be recruited by the Secretary of State after the date of the Constitution Act.

The corresponding proposals for officers not appointed by the Secretary of State in Council are not so clearly defined or unequivocal. Paragraph 191 of the White Paper states that every person in service at the commencement of the Constitution Act will continue to enjoy all service rights existing at that date. Paragraph 192, however, proposes that no such person serving in India in a civil capacity before the Constitution Act will have his conditions of service in respect of pay, allowance, pension or any other matter adversely affected, save by an authority in India competent to pass such an order on the 8th March, 1926, or with the sanction of such authority as the Secretary of State may direct.

4. The position that will emerge upon the introduction of the White Paper proposals will be briefly as follows —

All officers already appointed or to be appointed hereafter by the Secretary of State in Council will be effectively protected in the enjoyment of their rights. In case of loss of any of the rights, they will be entitled to such compensation as the Secretary of State may consider proper and equitable.

Officers appointed by the Governor-General in Council who are in service on the date of the Constitution will also be entitled to the continued benefit of the rules existing at that date; but the Secretary of State or such authority as may be nominated by him will have the power of modifying and amending the rules even if such modifications or amendments

adversely affect the rights of such an officer. These officers in service on the date of the Constitution Act will, however, have such protection as may be afforded by the requirement that the conditions of service in respect of their pay, allowances, pension, or other matters may not be adversely affected save by an authority in India competent to pass such an order on the 8th March, 1926, or with the sanction of such authority as the Secretary of State may direct.

The effect of the White Paper proposals will thus be that officers appointed by the Secretary of State in Council will be entitled to compensation for any adverse alteration in the conditions of service rights while the others will not be entitled to such compensation.

It will be seen that paragraph 192 of the White Paper contains a provision which apparently cuts across the guarantee given in paragraph 191. Rule 9 (1) of Civil Services (Classification, Control and Appeal) Rules lays down that the previous sanction of the Secretary of State in Council is necessary to the making of rules which would affect adversely the conditions of service of persons already in service on the 8th March, 1926, unless the adverse modification is made with the consent of the individual concerned. This is an existing service right which is threatened with infringement as a result of the proposal at the end of paragraph 192 of the White Paper that "the sanction of such authority as the Secretary of State may direct" will be sufficient for the framing of rules to the disadvantage of this class of officers.

5. The Government of India Act of 1919 granted the right to compensation only to those officers appointed by the Secretary of State who were in service on the date of its passing, but it has now been proposed to extend it to officers who have been appointed since or who may be appointed hereafter. In 1919, the object obviously was only to safeguard the existing rights of officers then in service, but the proposal to extend this right even to officers to be appointed after the Constitution Act manifestly indicates that the framers of the White Paper do not have only that object in view.

6. The Association has been at pains to discover the reasons which have possibly

3<sup>o</sup> August, 1933.]

[Continued.]

moved the framers of these proposals to make such pointed distinction between officers appointed by the Secretary of State and officers not so appointed. The main reason for granting effective protection—effective because of the admission of the claim to compensation—to officers is that they should be able to perform their duties without any fear of encroachment upon their rights by any authorities, legislative or executive, that would be set up as a part of the new Constitution. This, however, does not explain the proposed distinction between officers appointed by the Secretary of State and officers not so appointed. It cannot be maintained that there is any difference in the duties that will be performed by these two classes of officers. Nor can it be maintained that the general change in the conditions of employment will be more operative in the case of the former than in that of the latter. It follows, therefore, that the measure of protection should be uniform for all officers whether appointed by the Secretary of State or otherwise who are in service on the date of the passing of the Constitution Act. Any action that fails to conform to this will prove detrimental to the *esprit de corps* and efficiency of the services.

7. In paragraph 186 of the White Paper it is proposed that officers appointed by the Secretary of State should have their pensions and analogous rights completely safeguarded by the incorporation of a provision in the Constitution Act that no amending rules to their disadvantage can be framed even by the Secretary of State. From paragraph 192 of the White Paper it appears that so far as officers not appointed by the Secretary of State are concerned, the existing position is that the conditions of pensions of such officers cannot be adversely affected save by an authority competent to pass such an order on the 8th March, 1926, except with the sanction of the Secretary of State. The pension rules in the Civil Service Regulations and the

Superior Civil Service Rules make no difference between officers appointed by the Secretary of State and those not so appointed. The need for the security of pensions is as great in one case as in the other. Both have equal claims on Government. The Association submits that there is no reason to discriminate between the two classes.

8. The position of the Association is that under the new Constitution no distinction should be made between officers appointed by the Secretary of State subsequent to the commencement of the Government of India Act, 1919, and the officers belonging to the Central Services Class I who are appointed by the Government of India. As far as officers appointed by the Secretary of State before the commencement of that Act are concerned, their rights are guaranteed in Section 96 B. As regards later recruits, however, the Association considers that in the best interests of the future administration of the country, no distinction should be made between the Services mentioned and that the ultimate control of them should be vested in the Governor-General acting on the advice of the Central Public Service Commission.

In making this request, the Association is asking for no more than what has been already promised in unmistakable terms by His Majesty's Secretary of State for India to the members of the Indian Civil Service and every other Indian Service.

My Association would invite a reference to the assurances given by the Secretary of State to the members of the Indian Medical Service as reported in the "Statesman" of the 17th June, 1932, and to the members of the Indian Civil Service as reported in the "Statesman" dated the 24th June, 1932. In addressing the members of the Indian Civil Service, Sir Samuel Hoare remarked, "My answer to you is that the British Government is going to keep in the letter and in the spirit every contract that has been made with you as with every other Indian Service."

#### MEMORANDUM 52. SUPPLEMENTARY MEMORANDUM BY THE INDIAN OFFICERS' ASSOCIATION.

NOTE by Mr J. G. Bhandari, Accountant-General Posts and Telegraphs, President of the Indian Officers' Association, on the position of the Indian Audit and Accounts Service under the new Constitution.

1. The Indian Audit and Accounts Service is likely to be affected much more than any other superior service by the Constitutional changes contemplated and the position was fully explained to the Government of India by my Association

30 August, 1933.]

[Continued.]

in their letter dated 30th August, 1932 (Annexure A) It will be seen therefrom that with the introduction of Provincial Autonomy radical changes may be made in the future organisation of a Service which has produced a class of efficient and experienced Audit Officers with high traditions of public service, who have contributed materially to the success of the financial administration of the country. The Association would therefore strongly urge that the problem might be solved somewhat on the lines indicated in para. 6 of its letter dated the 30th August, 1932, to the Government of India referred to above.

2. An independent and efficient audit under the reformed constitution is a matter of most vital importance for the good Government of the country. If the control of the Legislature is to be effective, there must be an agency in the machinery of the country to see that the higher administrative authorities and the officers subordinate to them do not act in excess of the financial powers conferred on them by the legislature.

3. The fundamental object of the Audit Department is "to save the tax-payers' money by seeing that expenditure is not irregularly and wastefully incurred, i.e., the safeguarding of economy, efficiency, and propriety in public finance." In devising their administrative machinery, most of the Western countries have taken special pains to secure this object. A note giving a brief outline of the systems of audit obtaining in the Union of South Africa and Ireland, is attached (Annexure B) My committee trusts that the information given in the note will be helpful to the Joint Select Committee in determining the position of audit in the administrative machinery of India under the new Constitution.

#### Annexure A

Indian Officers' Association,  
Indian Museum,  
Calcutta, 30th August, 1932.

From

The Joint Honorary Secretary and Treasurer,  
Indian Officers' Association,

To

The Secretary to the Government of India,  
Home Department, Simla.

SIR,

I am directed by the Executive committee of the Indian Officers' Association to invite your attention to paragraphs

10 and 11 of the Report of the Federal Finance Committee from which it appears that on the introduction of a Federal form of Government in the country it is proposed to transfer to the provinces the liability for audit and accounts in the various provinces. Details in reference to the proposed transfer are not available in the report and it is not clear whether the cost alone for the Audit and Accounts Service would be transferred to the provinces, the present organisation remaining unchanged, or whether the provinces will take over the entire administration of the Provincial Audit and Accounts Departments.

2. There can be no question that with the grant of provincial autonomy the legislatures of the various provinces will have full control of the revenues of the provinces and that they should exercise this control by voting grants to enable the Executives to carry on the administration of the provinces. The power of voting money "would be valueless, unless the Legislature were assured that the Executive was spending the voted money for the purpose for which it was voted. Even, therefore, if one were to set aside the possibility of an auditor finding it to be his duty to challenge an abuse of their position by high officials in applying public money to objects, the utility of which might be open to serious question from the point of view of the tax-payer, it must be evident that the control of the Legislatures would be merely nominal, if they were not assured of a powerful and independent audit, free to bring to their notice diversions of voted funds, without interference or influence from the Executive."

3. The position of audit in the administrative machinery of this country is peculiar. The fundamental object of an audit department is "to save the tax-payers' money by seeing that expenditure is not irregularly and wastefully incurred, i.e., the safeguarding of economy, efficiency and propriety in public finance." The duties of the audit department become more and more responsible and onerous with every extension of reforms and consequent devolution of powers to the authorities in India, and the efficiency of the audit under the changed conditions in India is a matter of the most vital importance both for the good government of the country and the future of present incumbents in the Service.

4. The independence of audit is also of paramount importance. As Durell

3<sup>o</sup> August, 1933.]

[Continued.]

points out in his well-known book "Parliamentary Grants," this feature, "the independence of the auditor's position is of the highest importance, when the need of such duties, which require impartiality and fairness is considered. He is able to draw attention to irregularities in the accounts and thus possibly bring discredit on the Executive without any danger of his position being jeopardised or his future powers restricted." The true value of an audit, independent of the executive, is not to be gauged by the irregularities which it actually discovers but by the certain effects of the knowledge that the auditor can and without fear or favour report them if they come to his notice. That knowledge constitutes in itself the most effective security against irregularity. With further extension of reforms, Audit would be invested with higher and higher responsibilities and would have to devote more attention to broader principles of legitimate public finance and to the manner in which the various Executive officers undertake their more important financial responsibilities.

5. In the scheme of full provincial autonomy anything like outside control for purposes of audit would be an anachronism. Theoretically, therefore, each autonomous Provincial Government must make its own arrangements for an audit agency, independent of the Executive, but responsible to the Legislature. Each Provincial Legislature would ordinarily pass an Exchequer and Audit Act which would recognise the position of the Principal Auditor and guarantee his salary and that of his staff. Like his English prototype, although he would not be an officer of the Legislature, he would be one of the important officers acting on its behalf. He would be appointed by the Crown and like Judges of the High Court would hold office during good behaviour.

Theoretically this seems to be an ideal arrangement, but it is open to the criticism that an audit service recruited on a provincial basis will be far less efficient than the present service constituted on an all-India basis. If the audit service is provincialised, the field for the selection of candidates in the various provinces will be very limited, and this will naturally result in a lowering of the tone and a corresponding loss in the efficiency of the service.

6. The present organisation of the service on an all-India basis under the

administrative control of an officer whose position is recognised by statute and who is, so far as audit functions are concerned, independent of the Executive Government of India, has produced a class of efficient and experienced audit officers with high tradition of public service and this has contributed much to the success of the financial administration of India. The question whether the present organisation which has proved so efficient in the past should not be adopted so as to fit in with the changed conditions should engage the serious consideration of the authorities. It may at first sight seem that the very idea of an audit service recruited on an all-India basis by the Federal Government is inconsistent with the theoretical paramountcy of the component autonomous states of the Federal System in matter of Provincial financial organisation and control, but this difficulty may perhaps be solved by mutual arrangement between the autonomous Provincial Governments and the Federal Government. The paramountcy of the component autonomous states would not be impaired if the Provincial Governments were to request the Federal Government to act on their behalf in the matter of recruitment and control of the audit service through the Federal Public Services Commission. The arrangement proposed is somewhat similar to that contemplated in rule 12 of the Devolution Rules under which a Local Government has to employ a number of Indian Medical officers in such appointments and on such grounds and conditions as may be prescribed by the Secretary of State in Council. There will, however, be this difference that the number and terms of appointments in the case of the Indian Audit Service will be settled by mutual agreement between the Provincial and the Federal Governments, and so far as Provincial audit is concerned, the Principal audit officer of the Province will derive his authority from the Provincial and not the Federal Government.

7. The present organisation of the Audit and Accounts Service as a Central Service has produced a class of efficient and experienced audit officers with high traditions of public service and this in the opinion of the Executive Committee of my Association, has contributed materially to the success of the financial administration of the country. This has only been possible as Audit has been statutorily recognised as being practically

3<sup>o</sup> August, 1933.]

[Continued.]

independent of the Executive Government of the country. My Committee would, therefore, strongly urge that the existing efficient organisation should be utilised as far as possible in the future Administration.

8. My Committee hopes that the contents of this letter will receive a careful and sympathetic consideration at the hands of the Government of India and that, if necessary, the letter will be forwarded to proper authorities for further consideration in reference to the proposed changes in the Constitution.

I have the honour to be

Sir,

Your most obedient Servant,

BAINI PRASHAD.

Joint Honorary Secretary and Treasurer,  
Indian Officers' Association.

#### *Annexure B.*

##### UNION OF SOUTH AFRICA.

92.—1. In each province there shall be an auditor of accounts to be appointed by the G.-G. in Council

2 No such auditor shall be removed from office except by the G.-G. in Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting and if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

3. Each such auditor shall receive out of the Consolidated Revenue Fund such salary as the G.-G. in Council, with the approval of Parliament, shall determine.

4 Each such auditor shall examine and audit the accounts of the province to which he is assigned subject to such regulations and orders as may be framed by the G.-G. in Council and approved by Parliament, and no warrant signed by the administrator authorising the issuing of money shall have effect unless countersigned by such auditor.

132 The G.-G. in Council shall appoint a Controller and Auditor-General who shall hold office during good behaviour. Provided that he shall be removed by the G.-G. in Council, on an address praying for such removal presented to the G.-G. in Council by both Houses of Parliament. Provided further that when Parliament is not in session, the G.-G. in Council may suspend such an officer on the ground of incompetence or misbehaviour and when and so often such suspension shall take place, a full state-

ment of the circumstances shall be laid before both Houses of Parliament within fourteen days after the commencement of its next session; and if an address shall at any time during the session of Parliament be presented to the G.-G. in Council by both Houses praying for the restoration to office of such officer, he shall be restored accordingly, and if no such address be presented, the G.-G. in Council shall confirm such suspension and shall declare the office of Controller and Auditor-General to be and it shall thereupon become vacant. Until Parliament shall otherwise provide, the Controller and Auditor-General shall exercise such powers and functions and undertake such duties as may be assigned to him by the G.-G. in Council by regulations framed in that behalf.

##### IRELAND.

35 Dail Eirean, shall in relation to the subject matter of Money Bills as herein defined have legislative authority exclusive of Seanad Eirean.

A Money Bill means a Bill which contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public moneys or the variation or repeal of such charges; supply, the appropriation, receipt, custody, issue or audit of accounts of public money, the raising or guarantee of any loan or the repayment thereof; subordinate matters incidental to those subjects or any of them. . . .

The Chairman of Dail Eirean shall certify any bill which in his opinion is a Money Bill to be a Money Bill, but if within three days after a Bill has been passed by Dail Eirean, two-fifths of the members of either House by notice in writing addressed to the Chairman of which they are members so require, the question whether the Bill is or is not a Money Bill shall be referred to a Committee of Privileges consisting of three members elected by each House with a Chairman who shall be the senior judge of the Supreme Court able and willing to act and who in case of equality of votes, but not otherwise shall be entitled to vote. The decision of the Committee on the question shall be final and conclusive.

62. Dail Eirean shall appoint a Comptroller and Auditor-General to act on behalf of the Irish Free State (Saorstát Eirean). He shall control all disbursements and shall audit all accounts of

3<sup>o</sup> August, 1933.]

[Continued.]

moneys administered by or under the authority of the Oireachtas and shall report to Dail Eirean at stated periods to be stated by law.

*Article 63.*

The Comptroller and Auditor-General shall not be removed except for stated misbehaviour or incapacity on resolutions passed by Dail Eirean and Seanad Eirean. Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of the Oireachtas nor shall he hold any other office or position of emolument.

*Note.*—Parliament of the Irish Free State is called and referred to in the Constitution Act as the Oireachtas.

10,971. Do you desire to make any statement at this stage, or any corrections in your Memoranda?—(Mr. Bhandari.) No.

*Chairman.*] I shall give the Committee an opportunity of examining you on your Memoranda.

*Sir Samuel Hoare.*] I will withhold any questions.

*Marquess of Reading.*] May I ask one question, Secretary of State: What is the Order of the 8th March, 1926, referred to in the White Paper?

*Sir Samuel Hoare.*] It is the date of the Devolution Rule under which the Provinces were given certain powers over certain Civil Servants in certain Services.

*Marquess of Reading.*] Thank you

*Mr. F. S. Cocks.*

10,972. In Proposal 192, referring to the point which was raised by Lord Reading, do you wish that to be modified? Do you wish that qualification, "Save by an authority in India competent to pass such an Order on the 8th March, 1926," to be deleted or modified in any way?—No, Sir. You notice the difference between the wording of Proposals 191 and 192. Proposal 191 deals with Officers appointed by the Secretary of State, and says "Every person in those Services . . . will continue to enjoy all service rights existing." In Proposal 192, broadly speaking, the position is the same, but they go on to add after that: "with the sanction of such authority as the Secretary of State may direct." What we want is the same protection as regards pension and other conditions of service

to apply to them as in the case of other servants?—(Sir T. Vijayarghavacharya.) If you omit in Proposal 192 all the words from "save by an authority" to the end it would meet our wishes.

*Sir Samuel Hoare.*

10,973. The effect of that is to take away something from the Secretary of State's Services. Is not that so?—The intention is to put the Central Services on the same plane as the other Services.

*Marquess of Reading.*

10,974. To put all the Services on the same footing?—Yes, exactly.

10,975. You want them all to be put on the same footing as those appointed by the Secretary of State in Council, for all the Services?—Yes.

10,976. And do away with the distinction made now between those appointed by the Governor-General in Council and otherwise, and those appointed by the Secretary of State in Council. That is the whole point?—That is the whole point.

*Sir Samuel Hoare.*

10,977. You desire to do that by bringing your protection up to the standard of the protection of the Secretary of State's Services?—No, it is only in the particular Proposal we want it, because our general idea as expressed in our Memorandum is put in the final paragraph. Our general scheme is put in the final paragraph of our Memorandum, paragraph 8. That represents the views of the Association.

*Sir Austen Chamberlain.*

10,978. If you omit the words "save by an authority in India competent to pass such an Order on the 8th March, 1926," you would be withdrawing from those authorities the control over the conditions of service which they at present possess, would you not?—Read with our general principle as put in paragraph 8 of our Memorandum, it will come to this, that both sets of Services, whether appointed by the Secretary of State, or by the Governor-General in Council, will have their conditions of service affected by the same authority in the same manner.

10,979. Yes, but are they under exactly the same authority at the present time?—No, they are not.

10,980. Under the Order of 8th March, 1926?—No, they are not. We

3<sup>o</sup> August, 1933.]

Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

are only proposing a change in the future.

10,981. Your Services are at present—?—Under the control of the Governor-General. What we propose is that for the future all the Services should be placed under the control of the Governor-General. What we would like is what is said in paragraph 8 of our Memorandum, that is to say, that for the future all the Services should be placed under the control of the Governor-General, the final authority should be the Governor-General advised by the Public Service Commission. That is our contention as put in paragraph 8.

Sir Austen Chamberlain.

10,982. I understand. Now may I put again the question that I put to you before. If these words, "save by an authority in India competent to pass such an Order on the 8th March, 1926," are deleted, will you not be withdrawing from those authorities a right of control which they now possess, and transferring their right of control to the Governor-General?—Yes; there is that possibility. That would be met by putting in the words, "save by the Governor-General after advice from the Public Service Commission."

Sir Samuel Hoare.] I do not think that does save it at all. I cannot see that that saves it at all.

Lord Irwin.

10,983. You would be changing the authority, would you not?—The determining authority would be the Governor-General.

Sir Austen Chamberlain.

10,984. At the present time the authority which decides is a Provincial authority?—(Mr. Bhandari.) No, not in the case of the Central Services. (Sir T. Vijayaraghavacharya.) They are under the Governor-General. (Mr. Bhandari.) We represent the Central Services, Class I, and some of the All-India services.

10,985. Under the Order do I understand that, as far as those for whom you speak are concerned, the Order of the 8th March, 1926, makes the Governor-General the controlling authority?—(Sir T. Vijayaraghavacharya.) Yes, the controlling authority, the final authority, except in respect of those officers or members of our Association

who have been appointed by the Secretary of State. Our Association consists, broadly, of two classes of persons. Those members who have been appointed by the Secretary of State and members appointed by the Governor-General. There are two classes. We represent really two classes.

10,986. I am puzzled. If the authority is already the Governor-General under the Order of March 8th, 1926, it will remain the Governor-General even though these words be left in Proposal 192. If it is not already the Governor-General then you are transferring to the Governor-General a power at present possessed by some other authority?—If you will look at the last proviso you will see there is a possibility of delegation. (Mr. Bhandari.) Our objection is against the last clause, "with the sanction of such authority as the Secretary of State may direct." We do not want that the delegation should go further, that is the point.

Sir Austen Chamberlain.

10,987. Is it the words, "or with the sanction of such authority as the Secretary of State may direct" that you wish deleted?—(Sir T. Vijayaraghavacharya.) Yes; I am sorry for the misunderstanding; it was my fault.—(Mr. Bhandari.) Only the last clause.

10,988. You wish the words, "save by an authority in India competent to pass such an order on the 8th March, 1926" to stand?—Yes, and beyond that we wish to be deleted.

10,989. And the later words to be deleted?—Yes

Sir Samuel Hoare.

10,990. May I take that a step further? What kind of posts have you got in mind? The posts will be in the Central or the Federal field. How is it possible that posts of that kind should be delegated to the Provincial authorities?—(Mr. Bhandari.) We have no idea. That clause is rather vaguely worded. We do not know what the intention is.

Marquess of Reading.

10,991. Do these words, "or with the sanction of such authority as the Secretary of State may direct" introduce something new?—Yes

10,992. Something which is not at present in existence?—Yes, that is exactly the position.



3<sup>o</sup> Augusti, 1933.]

Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

10,993. They give a wide scope to the Secretary of State which is not defined?—Yes

10,994 It is left absolutely to the discretion of the Secretary of State and that is introducing something which has not been hitherto in existence?—That is exactly the point.

Dr. B. R. Ambedkar.] Is it not the present position?—No, it is not.

Lord Eustace Percy.

10,995 We seem to be getting into some confusion. Section 192 of the White Paper refers to all officers appointed by all authorities other than the Secretary of State. I gather that the proposals of the witnesses refer only to Class I of the Central Services and do not refer to any officers now appointed by Provincial Governments?—Our Association does not represent that class of officers.

10,996 Your Association does not represent any of the Provincial Services?—(Sir T. Vijayaraghavacharya.) If you will kindly turn to the first page of the Memorandum that shows it.

10,997. You mention the Indian Educational Service? Do you mean only the All-India Educational Service?—(Sir T. Vijayaraghavacharya.) There is a little difficulty there. There are officers of the All-India Services who are employed under Provincial Governments. The officers of the All-India Services employed in the Provinces will come under that, but there are also purely Provincial officers recruited and employed by the Provincial Governments. Our case applies both to officers appointed by the Governor-General in Council as also to officers of the All-India Services employed in the Provinces.

10,998. But not to any officers appointed by the Provinces?—No, not the Provincial officers

Sir Samuel Hoare ] Lord Eustace has brought out the point that needed to be brought out, namely, that our words cover both delegations in the Centre and delegations in the Provinces I understand the witnesses are interested only in delegations in the Centre.

Marquess of Reading

10,999. Is that quite right? Do the witnesses agree? I understand from one of the witnesses it might be delegations in the Centre and also in the Provinces, but not officers appointed by the Provincial Governments. That is what I

took the answer to Lord Eustace Percy's question to be. Was not that right?—(Mr. Bhandari.) Yes, that is right.

11,000. Then it would cover more than the Secretary of State said. The superior officers are appointed by the Central Government or by the Secretary of State?—Yes.

11,001. Although they are serving in the Provincial Governments?—Yes. (Sir T. Vijayaraghavacharya ) Yes.

Sir Samuel Hoare.

11,002. The point is this, in a sentence If the witnesses are thinking of the Central posts, obviously those posts must be left with the Governor-General?—Yes.

11,003. There is no question of delegation there at all. If they are thinking of the Provincial posts there must be some power for delegation to the Provincial Governments?—(Mr Bhandari.) We were thinking only of the Centre. (Sir T. Vijayaraghavacharya.) There are also officers of the All-India Services employed under the Provincial Governments. There is a third class of officers.

Mr. M. R. Jayaker.

11,004. In the case of Provincial officers, are you against the Secretary of State delegating to the Provincial Government?—No.

Dr. Shafa' at Ahmad Khan.

11,005. Do you mean the Governor-General in Council or the Governor-General at his discretion?—(Sir T. Vijayaraghavacharya.) We mean this Assuming that in the case of an officer of the Central Services, Class I, an order of punishment is passed upon him by the Central Government, which would mean under the future Constitution a Minister acting with the Governor-General, the final appeal we want to rest in the Governor-General advised by the Public Services Commission.

11,006. The Governor-General at his discretion?—As informed by the Public Services Commission.

11,007. Is that the view of your Association?—That is the view of our Association.

Lord Eustace Percy.

11,008 What are these officers who are appointed by the Central Government and who would I understand continue to be appointed by the Central Government, and who are not members of the Indian Civil Service?—You will find a

3<sup>o</sup> August, 1933.]

Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

list of such officers on the first page of our Memorandum.

11,009. I beg your pardon, surely not?—Some of them.

11,010. Those Services include a large number of provincially appointed officers?—(Mr. Bhandari.) No.

Lord Eustace Percy.] What is the class of officer which is still appointed by the Central Government?

Sir Samuel Hoare.] To give the most conspicuous example: Customs.

Lord Eustace Percy.] The Customs and Income Tax Services?

Sir Samuel Hoare.] Yes.

Lord Eustace Percy.] In so far as they are not Members of the Indian Civil Service?

Sir Samuel Hoare.] Yes

Rao Bahadur Sir Krishnama Chari.] Railway Services.

Mr. Cocks.] My Lord Chairman, on a point of order, do I understand from the Secretary of State that the words "such authority" mean Provincial Government?

Sir Samuel Hoare.] Yes, in actual practice, they do mean that.

Sir Austen Chamberlain.] May I ask a question, because I thought I understood and now I feel sure I do not? What is the change which the Secretary of State intends to make? There are, as I understand, certain officers who at present will have a right of appeal to the Governor-General, and, under the Witness's proposal, to the Governor-General advised by the Public Services Commission; but the Secretary of State proposes to reserve the right to transfer some of them to the authority of the Provincial Government, excluding the authority of the Governor-General, or the Governor-General advised by the Public Services Commission. Is that so?

Sir Reginald Craddock.] Might I put a point in connection with that? I understand that whereas hitherto the Accountant-Generals and their assistants have been in the Central Service, they have now become Provincial Service Officers under the Provincial Autonomy scheme?—(Mr. Bhandari.) We cannot say what the position will be about that.

Sir Akbar Hydari.] Besides, there would be the Audit Service.

Marquess of Reading.] There must be an independent audit.

Sir Samuel Hoare.] What is intended is this, namely, that all officials appointed by the Governor-General will

remain officials appointed by the Governor-General with the consequential guarantees, whether they are employed in the Centre or whether they are employed in the Provinces. It is, however, necessary to have words of this kind, because over and above that position, under the present Devolution Rules, the Governor-General and the Centre retain residual powers over the Provincial Services. Those residual powers under Provincial Autonomy would have to be delegated to the Provincial Governments, but so far as the Centrally appointed Servants are concerned, their position will remain, with the guarantees from the Governor-General, whether they are in the Centre or whether they are in the Provinces.

Lord Rankenllour.] But, surely, these last words go further than the Secretary of State's intentions. On a strict construction, they would allow the Secretary of State, would they not, in combination, presumably, with the Provincial authority to derogate from the rights of certain officers, whose rights the Secretary of State wishes to be conserved?

Sir Samuel Hoare.] If they do go further, we must have them more accurately drafted. This is not, after all, an Act of Parliament.

Dr B. R. Ambedkar.] May I draw the attention of the Committee to the point raised by Lord Reading as to the present position of the power of the Secretary of State to delegate? I find under the classification Rules, Part V, in the Government of India Act, page 9, the power of delegation is at present vested in the Secretary of State. In the case of the Central Services, Class 1 and also Class 2, it is distinctly laid down, in Rule 33, that the power over these Services is hereby delegated to the Governor-General and the Secretary of State and the same clause is repeated under 37. Part V, dealing with Central Services, Class 2, so, as a matter of fact, there is really no innovation.

Mr Cocks

11,011 We have been referring up to now to officers appointed before the commencement of the Constitution Act. What are your exact proposals regarding officers appointed after the commencement of the Constitution Act?—(Sir T. Vijayaraghavacharya.) For officers appointed after the commencement of the Constitution Act, I should like the

3<sup>o</sup> August, 1933.] Mr. J. BHANDARI, [Continued.  
Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

Governor-General to be the ultimate authority.

11,012. For all classes of officers?—All classes of officers.

Lord Eustace Percy.

11,013. All classes of centrally appointed officers?—Yes, to be appointed after the Constitution Act.

Mr. Cocks.

11,014. In paragraph 4 of your memo. you say: "The effect of the White Paper proposals will thus be that officers appointed by the Secretary of State in Council"—that is after the Constitution Act comes into being—"will be entitled to compensation for any adverse alteration in the conditions of Service rights whilst the others will not be entitled to such compensation". Who are the others?—(Mr. Bhandari) If you refer to Section 96 B (2) of the Government of India Act, you will find the others. (Sir T. Vijayaraghavacharya.) I can state the point, if you like. It refers to officers appointed by the Secretary of State. They may be officers appointed by the Governor-General and those will not be entitled to compensation under the White Paper—officers not appointed by the Secretary of State—officers appointed by some authority other than the Secretary of State.

11,015. But you want them to have rights of compensation the same as the others?—As a matter of fact, I have drafted a few words about it. What we want is that in future all classes of officers, if they feel any alterations in their conditions of Service are likely to prejudice them, should be able to bring their case to the notice of the Public Services Commission which will go into the facts of the case, and they shall be dealt with equitably, to whatever Service they may belong.

11,016. The Public Services Commission will be the final authority, will it?—Practically, yes. The Governor-General will be the final authority, but he will act on their advice.

11,017. There is only one more question I want to ask, about something entirely different. I see your Association includes Members of the Indian Forests Service?—Yes.

11,018. Is there any truth in the suggestion which has been made to me that there is a difficulty in getting Indians for that Service?—No. I happen to

have been a Member of the Public Services Commission, and for three years we recruited to the Indian Forests Service until the recruiting was stopped about one and a half years ago, and in all those years we found a very large number of Indian candidates who appeared. We put them through a very severe test, it included walking 15 miles a day, and that kind of thing, and they survived the test, our difficulty was to find enough posts to give them.

Sir Abdur Rahim.

11,019. As a matter of fact, there are a number of men who cannot find employment?—Yes.

Mr. Cocks.

11,020. It is not true that Indians are not naturally attracted by that sort of work?—No, it depends upon the temperament. It does not depend upon the race, it depends upon the persons, I think.

Mr. N. M. Joshi.

11,021. May I ask one question, my Lord Chairman: In reply to Mr. Cock's question, you stated that even as regards the future recruits, you would like the final authority and the final control to be vested in the Governor-General. May I ask you whether you fear that even in the case of the future recruits, the responsible Government will not do justice to the people appointed by them?—No. My point is simply this. The first order will be passed in the case of Central officers by the Government, so that it would be wrong to give the appeal to the same authority. That is why I propose the Governor-General. It is not for any distrust of the Minister, but the Minister, having passed the original order which is appealed against, obviously it would not be right that he should hear the appeal himself, so I propose another authority, and the other authority naturally seems to be the Governor-General.

11,022. Are you aware that in no country in the world the responsible Government transfers its authority over its employees recruited by itself to any other authority?—I do not know. At once occurs to me, the case of the High Court Judges in England. The High Court Judges, I take it, are recruited by the Crown, but the Crown cannot remove them.

3<sup>o</sup> August, 1933.]

Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

11,023. The Crown cannot remove them. You want to be in the position of the High Court Judges?—No, I do not say that. You wanted some analogy, and I gave the nearest analogy I could think of; that is all.

11,024. It comes to this, that in the future even so far as recruits are concerned, who are not recruited either by the Secretary of State or by the Governor-General, but will be recruited by the future responsible Government, you want that they should not have the final control over the Services recruited by them?—(Sir T. Vijayaraghavacharya.) No, they would have the control. I only want that there should be a right of appeal to the Governor-General, because in all cases it is found desirable to have two minds instead of one. There is a chance of a miscarriage of justice, if only one mind is brought to bear upon a case, so it is right, I think, to provide for a right of appeal, and a right of appeal in the case of a Minister passing an order can only be to the Governor-General. I cannot think of any other authority.

11,025. I am sure you recognise that under the responsible Minister there will be heads of Departments. The first step will be taken not by the Minister but by the head of the Department?—No. There are cases of Central Services, Class I, of what are called gazetted officers to the Superior Services in whose case an order cannot be passed by the head of a Department; the order can be passed only by the Minister on the Report of the head of the Department.

11,026. But the Report will be of the head of the Department?—Yes; but even now there is a right of appeal. We do not want that we should be deprived of the right of appeal.

11,027. I am suggesting about future recruits—future recruits who will be recruited by the responsible Government?—I do not suggest that there is any want of responsibility in the Government or that wrong orders will be passed, but, human nature being what it is, I do think that when a man's whole career is at stake, it will be fair to give him a chance of appeal to another authority to look into the facts of the case and see whether the Minister was right in passing the order.

Dr. B. R. Ambedkar.

11,028. May I ask a question arising out of this? The point that I want to put before you is this. First of all, I am admitting for the moment, and I think so

far as I am concerned I agree with you, that there must be a right of appeal. Proceeding on that basis, I want to put to you this question first: Would you make it obligatory or would you give a right of appeal to a Civil Servant against every conceivable order passed, or would you give the right of appeal only in certain cases?—I would draft the words in the same way as the present Appeal Rules in the Public Services Commission's Rules are framed, that is to say, for instance, there are certain acts against which there are rights of appeal.

11,029. I am proceeding hypothetically generally: You would not say that in every case there should be a right of appeal?—No, in the cases where it now exists.

11,030. In certain cases, there should be a right of appeal?—Yes.

11,031. The next point I want to put to you is this. You said that having regard to human nature, it would not be proper to make the Minister an appellate authority, because he would be already the authority who would have passed the order in the first instance. I quite see the point. What I put to you is this: Supposing we had a procedure somewhat of this sort, that in those cases where the right of appeal is given to an aggrieved Civil Servant, the order of the Minister was treated as provisional only, and that in those cases where the right of appeal is given as a matter of right, it was made obligatory upon the Minister that no such order passed to the prejudice of a Civil Servant was made final unless the matter was submitted to the Public Services Commission, which had the authority to find the facts and so present a clear case, and then it is only on the findings as reported by the Public Services Commission that the order passed by the Minister was made final, would you object to that sort of procedure?—I do not think so, because finally it really gets the concurrence of two authorities, except that it is a matter of procedure for you to decide, if that is the more satisfactory way, or an appeal would be the more satisfactory way. We, personally, see no objection to what you suggest.

Mr. N. M. Joshi.] I have nothing more to add.

Mr. M. R. Jayaker.

11,032. May I ask your attention to Appendix No. VII to the White Paper, Part No. I, on page 120? That sets out

3<sup>d</sup> August, 1933.] Mr. J. BHANDARI, [Continued.  
Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

the principal existing rights of officers appointed by the Secretary of State in Council. Now I understand from your Memorandum that your Association is open to the Indian Civil Service, and several other members of the Superior Central Services. Is that so?—There are members of it.

11,033. Now I am asking you what is your opinion, speaking on behalf of your Association, about some of the rights which are mentioned at page 120? I will give you an instance Right No 11. "Provisions that posts borne on the cadre of All-Indian Services shall not be left unfilled for more than three months without the sanction of the Secretary of State in Council." Do you agree with the view of some of the politicians of India that in the future Constitution this right, if exercised, will cause considerable inconvenience to Provincial and Central Governments?—(Sir T. Vijayaraghavacharya.) I think I should vest the right in the Governor-General according to my general plan at paragraph 8 of my Memorandum.

11,034. You would, therefore, substitute the Governor-General for the Secretary of State?—Yes.

11,035. Then pass on to Right No. 13: "Sanction of the Secretary of State-in-Council to the modification of the cadre of a Central Service, Class I, which would adversely affect any office appointed by the Secretary of State-in-Council, to any increase in the number of posts in a Provincial Service which would adversely affect any person who was a member of a corresponding All-India service on 9th March, 1926, or to the creation of any specialist post which would adversely affect any member of an All-India Service, the Indian Ecclesiastical Establishment and the Indian Political Department." Have you any suggestions to make in connection with that?—Yes I would follow the same principle which I have adopted in the former case. I would vest the power in the Governor-General.

11,036. Now the next one, 14: "Personal concurrence of the Governor required to any order." I should like you to note the words "any order"—"affecting emoluments, or pension, any order of formal censure, or any order on a memorial"—would you desire a modification of these words?—This refers to the case of officers of All-India Services employed in the Provinces under the Governor.

11,037. It applies to all of them, whether they are employed in the Central Services or whether they are employed in the Provinces. I am asking you if these words "any order affecting," etc., stood, do you not think that would interfere considerably with the maintenance of full control by Provincial Governments over their employees?—I am inclined to think that that would be so, if you wanted the previous concurrence. My answer is that I would not require that previous concurrence so long as there is a right of appeal provided, for which I asked previously.

Mr M R. Jayaker,

11,038. If the right of appeal, which you just mentioned, was kept intact would you then desire a modification of this right?—I would.

11,039. In what way?—I would allow the Minister to pass the order so far as a certain number of orders are concerned—not all the orders contemplated there, but certain orders.

11,040. You would exclude administrative orders from the operation of this right?—Yes, broadly speaking.

11,041. You would restrict it to orders involving formal censure or dismissal or any thing of that nature?—Or affecting pay or pension.

11,042. But purely administrative orders you would exclude from its purview?—I would exclude purely administrative orders from the purview.

11,043. The next one "Personal concurrence of the Governor required to an order of posting on an officer of an All-India Service"—Do not you think it will seriously interfere with Provincial control?—Yes, I think it is unnecessary now.

11,044. Would you do away with it entirely?—Yes, I think in present conditions it is very unnecessary.

11,045. "16. Right of complaint to the Governor against any order of an official superior in a Governor's Province and direction to the Governor to examine the complaint and to take such action," etc. I am asking your attention to the words "any order." Do not you think they are too wide?—I really do not know what this exactly means.

11,046. Right of complaint to the Governor against any order?—There is the right of appeal, is there not?

11,047. This is not the right of appeal; it is a right of complaint?—I do not know what that means.

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Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K B E., and Mr. GHULAM MOHAMMED.

11,048. The words are clear, "Right of complaint to the Governor against any order of an official superior". Do not you think it is a serious interference with Provincial control?—(Sir T. Vijayaraghavacharya.) I imagine it is wide in its phraseology, but I imagine some rules would be made under this to define it.

Mr. M. R. Jayaker.

11,049. Those rules must be consistent with the words of this clause. They could not be inconsistent?—I agree it appears to be too broad.

Dr. B. R. Ambedkar.] May I draw the attention of the Secretary of State to this with regard to Right No 16 in Appendix VII: It is stated in brackets that it is based upon Section 96 B (1). I find the second paragraph of that Section 96 B (1) deals with an order in a case in which an officer considers himself wronged, and not "any order", and that must be corrected if I mistake not.

Sir Samuel Hoare.] I should have thought it would have been much more convenient to defer these questions to me until I give evidence in October. I shall be quite ready to give answers to these detailed questions then.

Dr. B. R. Ambedkar.] I thought this clause was somewhat wider than in the Act.

Marquess of Reading.] Will you make Proposal No. 192 a little plainer to us?

Sir Samuel Hoare.] Certainly.

Marquess of Reading.] I am willing to wait until we have the Secretary of State's examination.

Sir Samuel Hoare.] I think it is much better, now that we have the three Indian gentlemen here, that they should give evidence.

Lord Eustace Percy.] This point was raised by me with Sir John Kerr, who said he understood this provision to refer to cases only of personal wrong.

Dr. B. R. Ambedkar.] That is so.

Mr. M. R. Jayaker.] It may help the Secretary of State, when he gives evidence, to meet the difficulty which is being pointed out. I have no desire to embarrass the Secretary of State, but this is the first time that we have an opportunity of having the Indian Officers' point of view and I am anxious to know, what is their opinion about the possibilities of working out such a rule. I have no desire to raise any kind of constitutional conundrums with

the witnesses. One of the rights which is claimed on the part of the superior services is the right to compensation in the event of the abolition of a superior post like the Commissioner of a District. What is your view about this right?—My view is that ordinarily no claim to compensation should arise where selection posts are abolished, but where, in Lord Peel's words (I refer to the despatch which has been published) administrative changes result in a loss of selection appointments so considerable as seriously to prejudice reasonable prospects, there should be a claim to compensation. I would add to this, that in each case where an officer claims that the case falls within these words of Lord Peel, the case should be stated to the Public Service Commission and its opinion ought to be taken, whether the case really comes within those words or is merely a case of ordinary abolition.

11,050. In any case, you would not allow the claim until it was considered by the Public Services Commission?—Quite.

Lord Irwin.

11,051. You would make the Public Services Commission the final arbiter of that?—Yes, I would make the Public Services Commission the final arbiter of that.

Mr. M. R. Jayaker.

11,052. Speaking generally about Part I, to which I have been drawing your attention, would you desire a reconsideration of all these rights so that administrative control by Provincial Governments over their employees, even if such employees belonged to the Central Superior Services, may in no way be rendered weak?—Yes; I am voicing the Indian Officers' point of view, which is that the administration of the future government should be facilitated. The view of the Indian Officers is that, as far as possible, the new administration should be set easily on its way, and its work should be made easy, subject to rights of individual officers being protected in the way in which I have pointed out in reply to detailed questions.

Sir Samuel Hoare.

11,053. Are you aware that all these rights about which Mr. Jayaker is now asking you questions are existing rights?—Yes. This schedule is a statement of existing rights, but certain things he

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[Continued.]

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pointed out in the course of his examination are not necessary.

11,054. None the less, they are existing rights?—Yes, but for the future they would not be. I mean, for Officers appointed after the Constitution Act, they would not be existing rights

Mr. M. R. Jayaker.

11,055. Whatever the existing rights may be, you are clear and are expressing the view of your Association, that so far as persons to be employed after the Constitution Act are concerned, even if they are appointed by the Secretary of State, these rights require to be very carefully modified if Provincial autonomy is to be made a success?—(Sir T. Vijayaraghavacharya) Yes.

11,056. Supposing the right of appeal, which you have referred to, is kept intact and supposing the salaries, emoluments and other prerogatives of a similar nature are kept intact and the Legislature is not given the power of affecting them, would you be content to go under the complete control of the Provincial Governments?—In the case of Provincial Officers?

11,057. Those who are transferred to the Provinces?—I will put to you my difficulty. My point of view—and I think in this I represent the views of the Association—is that, so far as the Indian Civil Service and the Indian Police Service are concerned, they should be recruited by the Governor-General, but on the existing basis, that is to say, I would not make recruitment for the Indian Civil Service provincial; I would make it an All-India recruitment at the Centre; but the Centre would post them to the Provinces.

11,058. But in the case of such people who are recruited at the Centre and posted into the Provinces, you would not slacken the Provincial control over them?—No, we would not slacken the Provincial control over them, subject to the appeal to the Governor-General.

11,059. Therefore, subject to that right, they would be in the same position as any other officers of the Provincial Government?—Yes

Sir Phiroze Sethna

11,060. Sir T. Vijayaraghavacharya, in Clause I you say that the Association includes, amongst others, Indian members of the Indian Civil Service?—Yes.

11,061. You are aware that there is another Association known as the Indian Civil Servants' Association?—Yes.

11,062. Indian members of the Indian Civil Service are members of that body as well?—Yes.

11,063. You are aware that they have made a representation to the Committee?—Yes.

11,064. Will you tell us if the Indian members, or the majority of them, endorse the views expressed in that representation?—It is very difficult for me to say. Has Mr. Bhandari any sort of opinion? We are really not in a position to speak about it.

11,065. If you do not know it is all right?—We do not know about the other Association.

11,066. Do you know of any cases of European Officers in any of your Services who have ever complained of the treatment extended to them by their Indian superiors, and have complained in regard to their decisions in regard to their leaves, promotions, or anything else?—No. As a matter of fact, if I am allowed to say so, in Madras two years after the last new reforms came in I happened to be talking to two English Secretaries to the Government who were employed under Indian Ministers. I asked them how they fared. They said they got on very well indeed. You are referring to cases of that sort?

11,067. Yes. You, Sir T. Vijayaraghavacharya, as head of your Department, must have Indian and European Officers under you?—Yes, I have.

11,068. Will you tell us, generally speaking, not of course referring to individuals, how Indian Officers compare with British Officers?—I think it is a matter of persons not a matter of races.

11,069. I said "generally speaking"?—I think there are good Indian Officers, and there are indifferent Indian Officers. There are good British Officers, and there are indifferent British Officers.

11,070. On an average would you consider the work of Indian Officers equal to that of British Officers?—Yes, certainly I would.

11,071. I take it that the relations between European and Indian Officers during their business hours are very cordial?—In my Department they are very cordial indeed.

11,072. I am talking generally not of your Department but from your knowledge?—Yes, from my knowledge they are very cordial indeed.



3<sup>d</sup> August, 1933.]Mr. J. BHANDARI, [Continued.  
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Sir Hari Singh Gour.

11,073. Sir Tiruvalangudi Vijayaraghavacharya, you have said that your Association is open to officers of the Indian Civil Service?—Yes.

11,074. How many officers of the Indian Civil Services are members of your Association?—We have 26 regular I.C.S. members, and 4 are listed members.

11,075. How long has your Association been in existence?—Mr. Bhandari will answer all the questions about the Association. (Mr. Bhandari.) You will find that, Sir, on the first two pages of the Memorandum The Indian Officers' Association was formed and registered in 1923.

11,076. The Memorandum you have submitted to the Joint Select Committee was circulated to all the members of the Association?—(Mr. Bhandari.) It was approved by the Executive Committee.

11,077. But the tenor of it was approved by the members thereof?—Yes.

11,078. It has, therefore, the concurrence of most of the members of the Indian Officers' Association?—It has the approval of the Executive Committee and the general approval of all.

11,079. Now taking the Indian Civil Service first, is it the view of your Association that the Members of the Indian Civil Service, appointed after the Government of India Act of 1919 was passed, should not have any rights, and that they should be guided by their rights actual and accruing on that date?—(Sir T Vijayaraghavacharya.) Yes.

11,080. That is your point of view?—(Sir T Vijayaraghavacharya.) That is our point of view.

11,081. Because with the passing of the Government of India Act of 1919, they had full notice of the coming changes in the future Constitution of India?—Quite so.

11,082. They cannot, therefore, complain that they were taken by surprise, or entered into the Service on conditions of which they had not full knowledge. Is that your view?—Yes.

11,083. That is the view of the Association?—Yes.

11,084. Therefore the view of your Association is that the protection should only be limited as regards the actual and accruing rights on the date of the Government of India Act of 1919?—Yes, and as a concession, we thought that since there was this period of interregnum between the last Act of 1919 and the new

Constitution Act, it would be fair to allow all the officers appointed also in the interregnum, the same rights as in 1919.

11,085. That is only as a special concession?—Yes.

11,086. Now as regards the future recruits to the Indian Civil Service (I will deal with the other members later on) the view of your Association is that their control should vest in the Governor-General, acting under the advice of the Public Services Commission?—It is so.

11,087. And that the authority of the Secretary of State over them should cease?—Yes.

11,088. That is your point of view?—Yes.

11,089. Now coming to the Superior Service, that is to say the Central Service, you want that the conditions of your Service, that is to say the Central Service, Class I, should be assimilated to the conditions of the Members of the Indian Civil Service recruited by the Secretary of State after 1919?—Yes, it is so.

11,090. That is your position?—That is our position.

11,091. In fact, that is the crux of the whole of your Memorandum?—In fact, that is the basis of our Memorandum.

11,092. You do not want any class distinction to exist?—No.

11,093. Because you think, and your Association think, that this class distinction will not bring about that harmony between various grades and classes of Services which is necessary for the efficient administration of the country?—Yes, I think you are quite right. The last sentence of paragraph 6 says: "Any action that fails to conform to this will prove detrimental to the esprit de corps and efficiency of the Services".

11,094. That is the gravamen of your complaint?—Yes, that is so.

11,095. Now will you kindly turn to Appendix VII of the White Paper to which Mr. Jayaker has drawn your attention. With the development of the self-governing institutions in the country and the necessity of economy in the administration of the country, do you think that clause 9: "Reservation of certain posts to members of the Indian Civil Service" should continue?—As regards that, the reservation of certain posts to members of the Indian Civil Service, our opinion is that the reasons for the reservation which existed in the old days do not now exist, and that the best men are to be

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chosen to whatever Service they belong. I am not thinking of financial reasons; I am thinking rather of the efficiency of the Public Service.

11,096. Your point of view, therefore, is that a man should not be appointed to a post because he belongs to a particular Service, but because he is fitted for the particular post to which he is appointed?—Yes, in the case of special posts.

11,097. That is your point of view?—Yes.

11,098. With Clause 9 goes Clause 10: "Determination of strength (including number and character of posts) of All-India Services by the Secretary of State in Council, subject to temporary additions by the Governor-General in Council or local Government." I take it that your point of view is that the Governor-General should be the final authority to determine the strength of a particular Service required for the administration of any branch of Government in India?—That is so.

11,099. You would like to dispense with the external authority of the Secretary of State?—That is so.

11,100. If the authority of the Secretary of State is limited in that field, you would not also have the advisers which the White Paper proposes to the Secretary of State in place of the present India Council?—That is beyond us to decide.

11,101. Then will you please turn to Clause 12: "Appointment of any one who is not a member of an All-India Service to posts borne on the cadre of such a Service only to be made with the sanction of the Secretary of State in Council." Would you retain that?—For the future we will transfer it to the Governor-General.

11,102. And leave the Governor-General to decide, in the case of selected posts, as to who should be its incumbent?—Quite so.

Sir *Abdur Rahim*.

11,103. Sir Tiruvalangadi Vijayaraghavacharya, you have said that you would have the Governor-General exercising control of the All-India Services instead of the Secretary of State, but that the Governor-General should act on the advice of the Public Services Commission. Is that your position?—That is our view.

11,104. Will the Governor-General, in that case, be bound by the advice

of the Public Services Commission, or will he have discretion in the matter at all?—I think he should be bound by it.

11,105. We have been told that the Public Services Commission as constituted now in the Central Government in India, is unable to protect the European members of the Services. I believe you were a member of the Public Services Commission at one time, were you not?—I was a member for three years from its foundation.

11,106. Could you tell us if you know of any such feeling among the European members of the Services?—No. My experience was that both English and Indian officials trusted the Public Services Commission, and that no decision was taken upon racial lines. There are at least three instances within my personal knowledge (I think some evidence was called before you, Sir Abdur, in your Committee in Simla) where the Indians secured the acquittal of an English official, in whose case two English members wanted to confirm the orders.

11,107. We are further told that Sir Ross Barker, who was, I think, President of the Public Services Commission, expressed an opinion here that the Public Services Commission was unable to protect the rights of European Members of the Services. Do you know if that is the opinion of Sir Ross Barker?—I was not here when Sir Ross Barker was examined. I am afraid I have not read his evidence, but if he meant that it was meant to protect only English people and not All-India, I think, with all respect to Sir Ross Barker, who was my colleague for three years, I differ from him.

Sir *Abdur Rahim*.] Do you know that that is his opinion, that the European Members of the Public Services could not look to the Public Services Commission for effective protection.

Lord *Eustace Percy*.] My Lord Chairman, is it not very inconvenient to have the views of other Witnesses quoted to these Witnesses, from memory?

Dr. *Shafa'at Ahmad Khan*.] He was not a Witness at all.

Lord *Eustace Percy*.] I do not object to questions arising in the course of previous examination.

Sir *Hubert Carr*.] I think that Sir Ross Barker gave an address to the East Indian Association.

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Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

*Chairman.*] I did circulate to the Committee and the Delegates a suggestion that Witnesses could have pointed out to them the Proceedings of the examination of other Witnesses dealing with subjects kindred to their own, and that they would be told that questions might be put upon that.

*Mr. Davidson.*] Not of somebody who was not a Witness. Sir Ross Barker did not appear before us.

*Lord Eustace Percy.*] I do not object to substantive points which have been the subject of former evidence being put to the Witnesses, but to ask them whether they agree with a paraphrased statement attributed to somebody who, in this case, was not even a Witness, seems to me to be rather irregular.

*Chairman.*] Sir Abdur, I am sure you can get us all out of our difficulty by putting your question again in another way, if necessary.

Sir Abdur Rahim.

11,108. I will put it in this way, that if anyone told us that it was Sir Ross Barker's opinion that the European Members of the Public Services were unable to obtain full protection from the Public Services Commission, I should like to know from you, so far as you know, if that is the opinion of Sir Ross Barker?—I think all Members obtain protection, and, so far as I know, Sir Ross Barker certainly did not think in my time that the Public Services Commission was a racial body. He certainly thought it was intended to protect the rights of permanent Civil Servants, whether they were European or Indian.

Dr. Shafa'at Ahmad Khan.

11,109. Mr. Ghulam Mohammed, you have been employed in the Railway Department for seven years?—(Mr. Mohammed.) Yes.

11,110. Have you read the recommendation of the Railway Committee published as No. 3 of the Records of this Committee?—I have.

11,111. In it the following passage occurs: "The Railway authority will be empowered, subject to the powers of the Governor-General in the exercise of his special responsibilities, and subject to the safeguarding of the rights of all officers in the Service at the time of the establishment of the Railway authority, to regulate by rules or by general or special order the classification of posts in the Railway Services on State-worked lines in British India, and the methods of re-

cruitment, qualifications for appointment to the Service, conditions of service, pay and allowances, Provident Fund benefits, gratuities, discipline and conduct of those Services." Do you agree with that recommendation of the Railway Committee?—All that I am concerned with, Sir, appearing on behalf of officers in service, is this portion of the sentence which says: "Subject to the safeguarding of the rights of all officers in the Service at the time of the establishment of the Railway authority." Our Association wrote to the Sub-Committee, whose Report is given in Record No. 3, and our views were given in detail, and we hope that if this sentence "subject to the safeguarding of the rights" means that their rights will be protected in exactly the same manner as other officers' rights in Government Service are protected, the rights as they exist to-day, then we are completely satisfied.

11,112. I am afraid I have not made it clear. What is your specific recommendation on this particular paragraph?—What we wish is this, that all officers in the superior Railway Services on the date when this new authority is instituted should have their existing rights safeguarded by the same authority and in the same manner as the other Government officers of similar status.

11,113. May I take it that all you desire is that the control exercised over you now should be continued to be exercised by that authority in future?—I will make my meaning clear, Sir. To-day the railway officers have a right to appeal to the Public Services Commission. They have certain other rights, because some of the officers are appointed by the Secretary of State. A certain number of railway officers are pensionable officers also. Again certain Services, like the Indian Audit and Accounts Service, have a right of the reservation of certain posts in the Railway Councils, and so on, and so forth. All those rights need protection and this general way that this thing is put in here may mean that this statutory authority will be the safeguarding authority. That is what we do not agree to.

11,114. That the authority should not be changed?—That the authority to safeguard the interests should be the Public Services Commission, and the Governor-General, as in the case of other officers, for railway officers who will be in Service when this body is inaugurated.

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Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

ing out, but, of course, it obviously still leaves, and would leave, a good many things to the Governor-General, especially things which he says at present the Secretary of State does. As regards those matters that he would still leave to the Governor-General, does he desire that the Governor-General should exercise those powers at his discretion or that he should exercise those powers on the advice of his Ministers? The distinction is this. If, on the advice of his Ministers, then it means the decision is the decision of the Cabinet, and the Governor-General is bound to accept it. If at his discretion, it means that, after all the various stages have been gone through, consultation with the Public Services Commission, and so on, he brings his own mind to bear upon the matter, and gives the decision himself. Which does the witness desire, in those matters where he is not making the Public Services Commission's advice binding on the Governor-General?—(Sir T. Vijayaraghavacharya) In those cases I would leave it to the Governor-General in Council (I mean acting with his Ministers) to the Government.

11,135. Do you visualise this position that you desire that it should be the responsible Indian Ministry who should issue instructions of a general nature to the Public Services Commission, and with whom, as you have been using the expression, the ultimate decision should always rest, except where you would make the advice of the Public Services Commission binding on him?—Yes, general instructions as long as the Public Services Commission did not think it impinged upon their authority or position. The Ministers may issue instructions to the Public Services Commission so long as the Public Services Commission did not think such instructions trespassed or impinged upon their authority, or upon their position.

*Chairman*

11,136 That would be the Ministry as a whole?—Yes, the Government of India as a whole.

*Sir Austen Chamberlain.*

11,137 If the Government (the Ministry) issued instructions to the Public Services Commission which the Commission considered trespassed on their authority—I think those were your words?—Yes.

11,138. Who would decide between the Government and the Public Services Commission?—The Governor-General.

*Mr. Zafrulla Khan.*

11,139 Then at his discretion?—Then at his discretion.

11,140. May I understand the position is this, that whatever you want finally to vest in the Public Services Commission, remains in them, and any residue that is left with regard to which you have been using the expression "Governor-General" you really mean the responsible Ministry?—Yes.

11,141 In the case of conflict ultimately the Governor-General should come in at his discretion?—Yes.

11,142 That being the general scheme, do you make any distinction between the Governor-General at his discretion and the Secretary of State?—I do not quite follow.

11,143 Do you in your mind think that whatever powers we give to the Governor-General at his discretion (ultimate powers) are powers that the Governor-General is expected to exercise in some manner divorced from the Secretary of State?—I meant the Governor-General's own personal discretion.

11,144 With regard to that may I put this to you, that the Constitutional position is this, as it is put down in the White Paper, and I do not see that there can be any escape from it, that, except when the Governor-General is acting on the advice of his Ministers he must all the time act (even when he is described as acting at his own discretion) in responsibility to Parliament which really means, in effect, to the Secretary of State, and, after I put that position to you, and you realise that position, do you want to modify anything you have said before, thinking in your mind that the Governor-General in his discretion meant whatever the Governor-General as an individual may think without reference to the Secretary of State?—Not with reference to the class of question you described. You are not thinking of individual cases of appeals, you are not thinking of individual cases of discipline, you are not thinking of individual cases of asking for relief from any adverse orders?

11,145 I am not thinking of any particular cases at all. What I am thinking of is this. What I want to put rather plainly to you is this, that wherever you have used the expression "Governor-General at his discretion" whatever you may have been thinking of is immaterial, in constitutional theory that

3<sup>o</sup> Augusti, 1933.]

Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K B.E., and Mr. GHULAM MOHAMMED.

does ultimately mean the Secretary of State?—It does not modify my answer, because the Governor-General can take advice. Take the case of a conflict between the Government and the Public Services Commission, the Governor-General may be advised by even a private friend. If he chooses to take advice from the Secretary of State that is a matter of high policy into which I do not venture to trespass.

11,146. It is not a case of choosing, he will have to proceed in accordance with the rules?—Yes.

11,147. Or conventions established between him and the Secretary of State. I merely wanted to explain this to you so that you should have in mind that the Governor-General at his discretion does mean the Governor-General acting in responsibility to the Secretary of State, in effect, but when you say you would give general directions to the Governor-General on the advice of his Ministers do you mean even such directions as, for instance, the proportions of various interests and communities in the different branches of the Service and so on; that those should be settled by the Federal Government as distinct from the Governor-General at his discretion?—I think the question of communal representation in the Services or proportions of posts is a matter for the Federal Government and not a matter for a particular person, and I should not even give it to the Public Service Commission. I should make it a matter purely for the Government to decide how many men from each community they would have. It is for the Public Services Commission to give them the required number.

11,148. The Government must give the directions?—The Government must give the directions.

11,149. The Public Services Commission would make actual selection in accordance with those directions?—Yes; the Government must give directions.

11,150. The point I am putting to you is that the minorities might consider that this and similar matters related to the protection of the interests of the minorities and that, therefore, they are to come under the special power of the Governor-General, to be used at his discretion, and should not be vested in the Federal Government. Have you any observations to offer on that?—I should vest it in the Government. I would trust it to the Government.

Nawab Sir Liaquat Hayat-Khan.

11,151. I understand from the answers you have given to Mr. Zafrulla Khan that in all matters affecting the services you represent you want the decision to be given either by the Governor-General acting on the advice of the Public Service Commission, which you say must be binding on him, and in the other case, by the Governor-General acting with the Minister, again whose advice must be binding on the Governor-General. May I know then how the Governor-General comes in to protect these Services? In both cases he is bound by the advice of other bodies and in both cases he must say Yes or No according to their advice. How does he come in to protect the position of the Services?—I will take a disciplinary case of an individual officer of a Central Service. The appeal would be to the Governor-General. I think in such a case where an appeal was laid to the Governor-General he would doubtless consult the Public Services Commission. He is bound to consult the Public Services Commission and to pass orders accordingly; but the Governor-General personally does come in. Assuming we take the case of an order which is obviously so wrong, or obviously so ill-supported by evidence, that it is not likely to stand the test, it is open to the Governor-General personally to confer with his Ministers and it may not even be necessary for the appeal to go. I am imagining a case where the Governor-General's personality would matter. It would not be negligible.

11,152. May I ask another question. Supposing an appeal is sent to the Governor-General which he cannot decide according to your proposal without consulting the Public Services Commission, or without consulting his Ministry: in both cases the Governor-General is forced to say Yes or No against his own discretion, but in deference to the wishes of these two bodies. Does a further appeal lie to the Governor-General to use his own discretion against this order?—No, I was not thinking of that.

11,153. Then in both cases you admit that the Governor-General, as such, has no power of protecting the Services?—He can only do so acting either with the Public Services Commission or with the Ministry?—I was thinking of this, that the formal order in appeal would run in the name of the Governor-General. It would not be the order of the Public Ser-

3<sup>rd</sup> August, 1933.] Mr. J. BHANDARI, [Continued.  
Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

vices Commission. It would conform to the recommendation, but it would be an order of the Governor-General; it would not be an order of the Public Services Commission.

11,154. It would be an order of the Governor-General even though the Governor-General might not agree with it?—That would be a domestic secret which we would be altogether not acquainted with, and into which we would not pry.

Sir Manubhai N. Mehta.

11,155. I want to know if Sir Tiruvalangudi Vijayaraghavacharya can tell me if any Medical Service has been affiliated with the Association?—(Mr. Bhandari.) Might I explain that? Among the Superior Services, we could think only of the Indian Medical Service, but, under the rules, the officers of the Indian Medical Service cannot join such an Association.

Sir Akbar Hydari.

11,156. Mr. Bhandari, in reply to a question by Dr. Shafa'at Ahmad Khan, you agreed that the audit of Provincial Revenues should be, as far as possible, independent, consistently with Provincial Autonomy. Was that so?—Yes.

11,157. Your whole Memorandum was to set out the valuable work which has been done by the Indian Audit Service, as at present constituted, and the officers that constitution has been able to produce. You desire that Service to be continued with due reference to the grant of Provincial Autonomy?—Yes.

11,158. And you, for that purpose, desire that the position of the Provincial Audit officer, that is the Audit officer who audits the Provincial Accounts, should be one of responsibility to the Provincial Legislature?—That is so.

11,159. Therefore, you would make the Provincial Legislature the final authority to pass orders on the Audit Reports of the Provincial Auditor-General?—Constitutionally, that would be the position. An Autonomous Provincial Government must have full control over expenditure. The Council votes certain grants, and it tells the Executive: "Spend it in this manner." The Principal Auditor of the Province submits a report at the end of the year. In his report he says "The grants have been utilised thus. Here are the irregularities and here are the excesses." "The Principal Auditor will report to the Provincial Legislature and it will be for them to pass final orders.

11,160. There are two questions arising, one is that the Audit Service will be a Central Service—a Federal Service you say?—Not necessarily.

11,161. The Provincial Auditor-General would be an officer who is recruited from a Service by the Federal Government?—If you read my Memorandum, you will see that I say that, by mutual consent between the Provincial Governments and the Federal Governments, some such arrangement might be made.

11,162. How will you recruit the Audit Service? Will the recruitment be in the hands of the Federal Government, or will it be in some other hands? That is No. 1; and No. 2: After that Service has been recruited, who will have the power of deciding as to which particular officer from that Service should go to which Province?—I will tell you. In the transition stage, as I said, some sort of scheme will have to be evolved. We have got something like 130 to 140 officers in the Service; some of those are required for the Central Service, Railway Audit Service, Railway Accounts Service, Accountant-General, Revenues, Post and Telegraphs. Then we require a certain number for the Audit of the Provincial Governments. The Local Governments could easily, in consultation with the Federal Government, tell them: "These are our requirements." Each Province has one Accountant-General and 8 to 10 officers of the Indian Audit Department. What I was contemplating was that during the transition stage, say for the next 10 or 15 years till the Provincial Governments make their own arrangements, they should tell the Federal Government "We want so many officers for our purposes; give us the Chief Auditor and so many officers." They could take the officers either for a number of years or for the remaining portion of their service. This could be left to the discretion of the Provincial Government.

11,163. That is your proposal?—Yes.

11,164. But that is only with reference to the present?—Yes.

11,165. What about all these officers who will not live throughout the period of the transition?—I do not imagine they will.

11,166. How will fresh recruits be made? Would the Provincial Governments be recruiting for themselves in order to fill the Services at the end of the transition period, or would you leave it still to the Federal Govern-



3<sup>o</sup> August, 1933.]

Mr. J. BHANDARI,

[Continued.]

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

ment?—I would leave that question to be decided in the light of further experience. It would be a pity to throw away a Service with high traditions, which has rendered such useful Service.

11,167. Is not your position this, that, as far as possible, the present organisation and recruitment of the Indian Audit Service should remain unchanged, so far as the Audit requirements of the Provinces are concerned? That it should be one Service which is controlled at the Centre, and which sends out officers to the different Provinces for audit purposes, according to the requirements which are laid down by the Provinces. In other words, each Province will really be as if it were responsible for the loan of Services, and these officers will be what we call, without the necessary contribution, in Foreign Service or seconded from the Service. Is that what you mean?—Yes, exactly.

11,168. Then who will be able to change the officers from one Province to another?—As I explained just now, that will be a matter of internal arrangement between the Provincial Governments and the Federal Government. They can say: "Give us the Principal Auditor for five years, and so many officers," or they could say: "We will keep the Accountant-General throughout our Service, and the other officers may be changed after five or ten years." In practice, what I think will happen is that a certain number of junior and senior officers and an Accountant-General will be taken, and after eight or ten years these officers may go elsewhere.

11,169. You do not think that it will be better managed if you leave this undisturbed, leaving it in the hands of the Federal Government, and, at the same time, instead of these Provincial Audit officers, whoever they are, submitting their Audit Reports to the Auditor-General, and, through the Auditor-General to the Central Legislature, would it not suffice if these officers so recruited by the Centre, so posted by the Centre, ultimately were to submit their audit reports to the Provincial Legislature and accept their authority as final? Would that not be consistent, on the one hand, with the independence of audit, and, secondly, with the authority of the Provincial Legislatures to pass orders finally to him?—The Services will be quite satisfied with that arrangement if the Provincial Governments have no objection to it.

Lord Eustace Percy.

11,170. Sir Tiruvalangudi Vijayarghavacharya, did I hear you correctly a little while ago say that you would like the Provincial Executive Services to be recruited centrally?—(Sir Tiruvalangudi Vijayarghavacharya.) No; I meant the Indian Civil Service under the new Constitution to be recruited centrally, and not provincially.

11,171. And the Provincial Executive Service would continue to be recruited provincially?—As heretofore.

11,172. Now I think you said in reply to Sir Hari Singh Gour that you wished all posts to be filled by merit, and no posts to be reserved to particular Services?—Yes; I did not want any reservation for a particular Service.

11,173. Then you will have your Centrally recruited All-India Services and your Provincially recruited Provincial Services competing, as it were, for the same posts?—I was not thinking of the ordinary district posts, I was thinking of special posts which are now scheduled as posts which are for the Indian Civil Service, such as Secretaries to the Provincial Governments. I was not thinking of the ordinary District staff.

11,174. But what about the ordinary District staff?—The ordinary District staff would, more or less, run on the same lines as now; I was not thinking of a change.

11,175. With reservation of posts at all?—No. The ordinary District staff. There would be a certain number filled by the Indian Civil Service and a certain number filled, as now, by the Provincial Civil Services, and that will continue. I was merely thinking of special posts like Secretaries to Governments, and so forth.

11,176. Why do you object to reservation in the one case, and not to reservation in the other?—For this reason, that for special posts you require special qualities, and very often you may discover them outside a particular Service. In Madras it does often happen that the very best men are found for particular posts outside the Indian Civil Service.

11,177. But then you do not feel that reservation of posts as between two Services is, in itself, inconvenient?—In the case of special posts?

11,178. No, I say apart from special posts, you see no inconvenience in the reservation of a proportional number of posts as between two different Services?



3<sup>rd</sup> August, 1933.] Mr. J. BHANDARI, [Continued.  
Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

—No, there would be no inconvenience. As a matter of fact, it works well in practice now, and if you want to keep up the Indian Civil Service, unless you have a certain number of District posts, how could you keep it up?

11,179. I wish to ask whether you thought that that system could continue indefinitely?—I think myself it would be a very good system for India to continue to have a certain number recruited without reference to Provincial considerations.

11,180. Then may I ask this one further question: If you contemplate a continuance of Central recruitment for the Audits and Accounts Service, have you considered whether it would be possible to have Central recruitment for the whole Executive Service, leaving Provincial autonomy and control over the appointed officers, just as much as you propose to leave it in the case of the Accounts and Audits Services?—Do you mean the Provincial Executive Services?

11,181. Yes?—No. I think myself that the present arrangement under which a certain number of District posts are filled Provincially and a certain number Centrally works the best in practice. It adjusts what one may call the Provincial consideration point of view with the All-India Service point of view, and, on the whole, it would be safer and more expedient to leave it alone.

11,182. But, in fact, are not the Provincial Executive Services, taking the Provinces as a whole, mainly recruited by the Central Public Services Commission now?—Not the Provincial Executive Services.

11,183. Are not the examinations for them, as a matter of fact, held by the Public Services Commission?—No. In the case of the United Provinces alone the Public Services Committee holds the examination for the Provincial Executive at the special request of the United Provinces Government.

Sir Akbar Hydari.

11,184. There was one question I forgot to ask. I wanted to ask what would be the relation of the Provincial Auditor to the Governor, so far as he can be of help to him in discharging the special responsibility of the Governor, with regard to expenditure?—(Mr. Bhandari.) I believe the same position as that of the Auditor-General at present with reference to the Governor.

11,185. At present he belongs to a Central Service?—I mean functioning as the Auditor-General of the Province, the Governor has a right to his advice.

11,186. So the Provincial Auditor-General would have to keep the Governor also in touch with the progress of expenditure, say with regard to any big work that is going on at a pace which will inevitably involve a supplementary estimate, and so on?—Yes, certainly.

Dr. Shafa' at Ahmad Khan.

11,187. But you do not expect him to act as a sort of financial adviser to the Governor?—No, the Auditor cannot be a financial adviser.

Sir Reginald Craddock.

11,188. Sir Tiruvalangudi Vijayaraghavacharya, I should like to ask you a question or two about the present practice of the Public Services Commission. You will understand, and agree with me, I expect, that there is a difference between finding the facts as to whether an officer did, or did not, commit some shortcoming or offence and the punishment which will be meted out to him. Now under the present practice, will you suggest what punishment should be awarded to an officer or do you content yourself with the finding of facts?—(Sir Tiruvalangudi Vijayaraghavacharya.) We suggest the punishment too.

11,189. But the Governor-General, or the Governor-General-in-Council, as it is at present, is free to pass what order he pleased as to the punishment, is he not?—Ordinarily. Normally, I must say, in practice, he has followed the recommendation of the Public Services Commission, not only with regard to the finding, but also with regard to the sentence.

11,190. Has he overruled the Public Services Commission?—There is no rule; it has just been the practice.

11,191. Has he overruled the Public Services Commission?—There have been two cases to my knowledge where he has overruled the finding of the Public Services Commission. The reason he gave was that he thought that the finding was so wrong that he ought to reverse the finding.

11,192. But in the proposals that you make, that the Governor-General should act on the advice of the Public Services Commission, does that mean that you would not leave to the Governor-General power to decide what punishment should be awarded?—Yes; I would not leave it.

3<sup>o</sup> August, 1933.]

Mr. J. BHANDARI,

[Continued.

Dewan Bahadur Sir T. VIJAYARAGHAVACHARYA, K.B.E., and Mr. GHULAM MOHAMMED.

11,193. Then that means that the entire authority of the Government is vested in the Public Services Commission?—In certain matters, in matters of individual appeals, just as in the case of the Judicial Courts, for instance. I contemplate the Public Services Commission to act as a sort of administrative Court.

Lord Eustace Percy.

11,194. But in the case of the Judicial Courts, the Crown has a power of pardon, has it not?—Yes. I have no objection to the Crown pardoning in this case.

11,195. You have no objection to the Governor remitting the sentence?—Quite so. It is only the question of punishing where they do not want to punish.

Nawab Sir Liaquat Hayat-Khan.

11,196. That alters the whole situation?—No. I am not thinking of the question of reversing the finding.

11,197. Supposing the Public Services Commission recommends that a certain officer should be dismissed, is it open to the Governor-General, as such, to say no, he shall not be dismissed?—No, it is not open to him. He must pass an order of dismissal, but it may be open to him to pass a power of pardon in the circumstances in which the Crown now exercises a right of pardon. They exercise the right of pardon on the advice of the Law officers, when they feel that there are any special circumstances, for instance, if the Court's finding is wrong, or something else.

11,198. I want to clear this up. In the event of an officer being dismissed or reduced, or otherwise punished by the Public Services Commission, to which you say the Governor-General must agree, it is open then to this officer to submit a memorial or an appeal to the Governor-General for mercy, and it is open to the Governor-General then to upset that order which he passed along with the Public Services Commission?—I should not institute a procedure of that sort, which in practice might defeat the whole purpose.

11,199. Then how is the Governor-General going to exert his prerogative of mercy?—It is open to you, if you think it is liable to be abused, to delete the clause altogether.

Mr. M. R. Jayaker.] The Public Services Commission may recommend him to the mercy of the Governor-General, exercising the Prerogative of the Crown.

Nawab Sir Liaquat Hayat-Khan.] That they can do themselves. They need not recommend it to the Governor.

Sir Reginald Craddock.

11,200. You referred to the case of judicial courts, but you are probably aware that the local government and, of course, the Governor-General in Council, have full powers of reducing the sentence or of remitting it altogether or substituting a lower punishment for a higher one?—I would not push the analogy to that extent in administrative matters.

11,201. Under your scheme you would restrict very considerably the present powers that are exercised by the Governor-General in Council?—Yes; to that extent it would be a restriction of his powers.

Lord Rankeillour.

11,202. Just one or two questions. Might I draw your attention again to Appendix No. VII on page 120 of the White Paper?—Yes.

11,203. Might I ask if the answers given by you to Mr. Jayaker were your own opinions or whether these matters have been considered by your Association?—It represents in my belief the general opinion of the Association. Particular questions have not been put to them, but you will see the general trend of their opinion is that the Governor-General should as far as possible be the ultimate authority. In individual details I have had to work it out on my own responsibility.

11,204. I think you said it would be expedient, if not necessary, to revise these 18 points of Appendix VII, Part I, in the interests of Provincial administration?—For future recruits, I said.

11,205. You do not wish to deprive existing officers of these 18 points?—No. I do not like to deprive existing officers of their rights. Future recruits I was contemplating after the Constitution Act came in.

11,206. Did you say that officers appointed after 1919 should be in a different position with regard to their rights from officers recruited before 1919?—I said that the existing Government of India Act does make a distinction between officers appointed on the date of the commencement of the Government of India Act, 1919, and others, but I said as a matter of equity, considering the doubtful period of interregnum which has passed between the

3<sup>o</sup> August, 1933.] Mr. J. BHANDARI, [Continued.  
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passing of the old Act and the new, we were prepared to say that officers appointed after 1919 and before the new Constitution Act should enjoy the same rights as those appointed before 1919.

11,207. You do not mind that being put into the Act?—No, I do not mind that being put into the Act.

*Chairman*

11,208. We are greatly obliged to you gentlemen for coming here and giving your evidence to us to-day?—(Mr. Bhandari) May I make two or three brief remarks?

11,209. Will you put your statement in?  
—Yes, I will put it in. It is as follows

The State, whatever the changes in its constitution, should lay down certain principles to regulate the scales of pay, the pensionary rights and other important conditions of service of its employees, and apply such principles to all officers irrespective of their domicile. Under ordinary conditions, it is not necessary to make radical changes in the conditions of service, but it is recognised that in view of the far-reaching changes in the constitution in the Government of India, changes have to be made in the administrative machinery to fit in with the new conditions. The nearest parallel to the present case is that of the Union of South Africa when changes in the constitution necessitated changes in the conditions of service of Government Officers. In Articles 142, 143, 144, and 145 of the Constitution Act of the Union of South Africa it was clearly laid down that "any officer of the public service of any of the colonies at the establishment of the Union who is not retained in the service of the Union or assigned to that of a province shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the Union had not been established. It was further laid down, "that any officer of the public service of any of the colonies at the establishment of the Union who is retained in the service of the Union or is assigned to that of a Province shall retain all his existing and accruing rights and shall be entitled to retire from service at the time at which he would have been entitled by law to retire,

and on the pension or retiring allowance to which he would have been entitled by law in like circumstances if the Union had not been established." The Association respectfully submits that any distinction between the measures of protection to various classes of officers will prove detrimental to the *esprit de corps* and efficiency of the services. In this connection it may not be out of place to mention that the Association gave its wholehearted co-operation to the Government of India in the retrenchment measures adopted by the Government of India, including the ten per cent. cut in the pay of the services. Even those members of the Association who could technically take their stand on their legal rights were agreeable to the proposed cut, as they realised that no question of forfeiture of rights arose in the special circumstances in which the cut was levied. In this connection, I attach herewith a copy of the cable dated 5th October, 1931, addressed to the Secretary of State for India

"W591. Calcutta 261 3 1120.

Wlt. Retaxandum London

"All India Indian Officers' Association, Calcutta, representing 23 Imperial and Central Service admit existence of grave national emergency called for policy of severe retrenchment they desire to point out that any reduction in emoluments should first be applied to allowances additional to pay and if such cuts do not yield required amount to basic pay in this view they strongly urge that concessions granted in 1924 as a result of the Lee Commission should first be withdrawn special reasons which led to grant of the concessions have now ceased to operate if after abolishing Lee Concessions it is found necessary to reduce basic pay reductions should be made in pay of all officers of Imperial and Central Services without discrimination in a financial crisis of first magnitude now facing India action of the kind contemplated by executive Government is inevitable in interests of India and the Association would wholeheartedly co-operate with Government in retrenchment measures forced on Government of India as on other governments of the world by grave economic conditions now prevalent

3<sup>o</sup> August, 1933 ] Mr. J. BHANDARI, [Continued.  
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those members of Association who are entitled to protection from Secretary of State admit that no question of forfeiture of right arises in present circumstances protection in Government of India Act was intended only against unreasonable attitude of hostile legislature influenced by political considerations no such contin-

gency has arisen at present association is advised that protection in Government of India Act does not extend to concessions granted after 1919 any preference shown to protected services or individuals would create grave discontent among others. President."

*(The Witnesses are directed to withdraw.)*

Chairman ] My Lords and Gentlemen of the Joint Select Committee, I propose now to adjourn until ten-thirty o'clock on Tuesday, October 3rd.

Before we rise I am sure you will desire me, on your behalf, to say "Farewell" to our friends of the Indian Delegation, and to wish them a safe and pleasant voyage to India. Some of them, much to our regret, will not, I understand, find it possible to return in the Autumn. May I therefore be allowed now to thank them most warmly for the unvarying support that they have given to this Chair. I think, too, that I shall speak for the whole Committee when I say that the experience of these past weeks has shown that the Indian Delegates have already made an essential and invaluable contribution towards the solution of the problems with which we are faced. That contribution does high credit to them, and stands as a tribute to the wisdom and foresight of those who recommended, as well as of those who decided, that representative Indians should be taken into consultation by this Committee.

Nawab Sir Liqat Hayat-Khan ] My Lord Chairman, as you have just said, some of us will be leaving this country in a day or two, and our duties in India may not permit us to come back. I am therefore anxious to take this opportunity of expressing to the Joint Select Committee as a whole, and to your Lordship particularly, our sense of gratitude for all the courtesy and patience that you have shown during these deliberations. Your Lordship is a conspicuous example of the patience and the great courtesy that we have experienced every day in this room. When we arrived here some of us had doubts as to what our position would be *vis-a-vis* the Joint Select Committee; but our suspicions were soon set at rest when we found that in actual practice both your Lordship and other Members of the Joint Select

Committee treated us exactly as their equals. We have received from your Lordship and the other Members of the Joint Select Committee every facility to make ourselves useful to the Committee, and I trust that we have been able to do something towards the common cause which the Joint Select Committee and we had to face. I am sure that when we go back to India we will certainly, all of us, be united in telling them that in meeting the Joint Select Committee we met a body which was out for co-operation and encouraged us to co-operate with them.

Sir Akbar Hydari.] And fair play.

Nawab Sir Liqat Hayat-Khan.] We are particularly indebted to the Secretary of State who has very considerably facilitated that close touch between the two halves of this Committee by going into the witness chair. I have already given expression to my own feelings on a previous occasion, and I do not apologise for repeating those feelings here. I also want to say one word, my Lord Chairman, to such members of the Committee who might be very anxious and who might feel that in solving these very great problems of India we should proceed cautiously. Let me assure them that in India itself there are several like me who feel that caution is essential; but, after studying the White Paper, and more, after examining the witnesses who appeared before us and hearing various points of view from all quarters of this room, I have definitely arrived at the conclusion that caution is very fully provided for in the White Paper itself; and I do feel most honestly that anything short of the proposals contained in the White Paper will not only disappoint moderate opinion in India, but will also go against the wishes, and, I believe, the united wishes of all your agents in India. I am talking of the local governments and the government of India. I believe that

3<sup>o</sup> Augusti, 1933.]

[Continued.]

every one of them is united, that the time has come when India must receive a measure of advance somewhat on the lines of the White Paper. By cutting it short in any way you will therefore not only be denying what the Moderates believe to be their legitimate claims, but also going against the considered views of all the local governments and the government of India. In making this appeal to such members of the Joint Select Committee who want caution, I do ask them to believe they have many friends in India, but those friends in India believe that the White Paper itself provides for that. I do not believe that any further caution will either meet the wishes of a very large number of Indians themselves or of the administrators themselves, on whom you have to depend for the success of the future Constitution.

With these words, my Lord Chairman, I want to thank you, one and all, for the great kindness and courtesy we have received from you during this period.

Mr. M. R. Jayaker.] My Lord Chairman, it is very likely that some of the Delegates sitting on this side of the table may not be able in the Autumn Session to co-operate with the Joint Select Committee, and on behalf of such Delegates I beg to associate myself with the remarks which have just been made by Nawab Sir Liaquat as regards the kind treatment and the courteous behaviour which your Lordship in the Chair and the other Members of the Joint Select Committee have evinced towards us during the period of our association with them. I also associate myself with the remarks made by Nawab Sir Liaquat with reference to the attitude of the Secretary of State. We are not sure, my Lord Chairman, as to what the result of our collaboration with the Joint Select Committee will be, whether we shall be able to obtain recognition of the points of view which we have put before you through our examination of witnesses and our discussions before your Lordship and your Parliamentary colleagues; but whatever that may be, I think I am expressing the sentiments of all of us on this side when I say that we shall all cherish a very pleasant memory of the brief period we have spent in association with your Lordship and your Lordship's colleagues.

Dr. Shafa' At Ahmad Khan.] My Lord Chairman, we on this side associate ourselves with what has been said by Mr. Jayaker and Nawab Sir Liaquat. It has been to us a source of inspiration to work with your Lordship and with Members of the Joint Select Committee. It would be affectation to deny that some of us had misgivings when we started our work regarding our status, but the day-to-day intercourse, the day-to-day interchange of ideas, and the clearing up of many questions and misunderstandings should pave the way for a spirit of solidarity, not only in the Joint Select Committee, but also among the Delegates. I feel that this brotherhood, if I may so use the term, is the happiest augury for the inauguration of the new Constitution, and I am convinced, my Lord Chairman, that with the great ability and the extraordinary power which the Secretary of State has shown and the great sympathy which he has manifested for our legitimate aspirations, we shall continue to work in that spirit of co-operation along with our English brethren as the safest and surest guarantee for the development of the British Empire.

Begum Shah Nawaz.] My Lord Chairman, as I am going back to India soon and my duties at home may not permit me to have the honour of coming over here again, may I associate myself with all the Nawab Sir Liaquat has said and, on behalf of the Women of India, thank your Lordship with all my heart for the kindness, courtesy and consideration which you have shown us during our work here. I would like also to thank the Secretary of State for showing so much sympathy to our cause, and may I request all the Members of this Joint Select Committee to bear in mind, when they come to their discussions, that if no Indian woman is present here at that time, we form half the population of the country. My Lord Chairman, may I be permitted to say that this association has shown me that the members are very sympathetic towards our interests, and I am sure that when the deliberations of the Joint Select Committee come to a successful conclusion, the women of India will get their just share.

Chairman.] Thank you very much

Ordered: That the Committee be adjourned to Tuesday, 3rd October, at half-past Ten o'clock.

**DIE MARTIS, 3° OCTOBRIS, 1933.**

**DIE MERCURII, 4° OCTOBRIS, 1933.**

*Evidence given on these days by the Secretary of State for India and his advisers is printed for convenience in Volume II<sup>B</sup>.*

**DIE JOVIS, 5° OCTOBRIS, 1933.**

Present:

Lord Archbishop of Canterbury.  
Marquess of Salisbury.  
Marquess of Zetland.  
Marquess of Linlithgow  
Marquess of Reading  
Earl of Derby  
Earl of Lytton.  
Lord Middleton.  
Lord Hardinge of Penshurst.  
Lord Irwin.  
Lord Snell  
Lord Rankeillour.  
Lord Hutchison of Montrose.

Mr. Butler.  
Sir Austen Chamberlain.  
Mr. Cocks.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Isaac Foot.  
Sir Samuel Hoare  
Mr. Morgan Jones  
Lord Eustace Percy.  
Miss Pickford  
Sir John Wardlaw-Milne.  
Earl Winterton.

The following Indian Delegates were also present.—

INDIAN STATES REPRESENTATIVES.

Sir Manubhai N. Mehta.

Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Lt.-Col Sir H. Gidney.  
Sir Hari Singh Gour.  
Mr. M. R. Jayaker.

Mr N. M. Joshi.  
Sir Abdur Rahim.  
Sir Phiroze Sethna.  
Sardar Buta Singh.  
Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

*Evidence given on this day<sup>21</sup> by the Secretary of State for India and his advisers is printed for convenience in Volume II<sup>B</sup>.*

5<sup>o</sup> Octobris, 1933.]

[Continued]

SIR ALAN GARRETT ANDERSON, K.B.E., MR. R. B. DUNWOODY, C B E, MR M W. WATT and Mr. P. MAURICE HILL are called in and examined

*Chairman*

12,055. Sir Alan Garrett Anderson, you are President of the Association of British Chambers of Commerce and Chairman of the Joint British Committee on Empire Trade of the Association, the Federation of British Industries and the Chamber of Shipping of the United Kingdom; Chairman of Messrs. Anderson, Green & Co., Ltd., a director of the Bank of England, and Honorary President of the International Chamber of Commerce?—(Sir Alan Garrett Anderson.) Yes.

12,056 Mr. Dunwoody, you are Secretary of the Association of British

Chambers of Commerce?—(Mr. Dunwoody) Yes.

12,057. Mr. Watt, you are an official of the Federation of British Industries?—(Mr Watt.) Yes

12,058 Mr P. Maurice Hill, you are of the Chamber of Shipping of the United Kingdom?—(Mr. Maurice Hill.) Yes.

12,059. You gentlemen are here on behalf of the Association of British Chambers of Commerce, the Federation of British Industries and Shipowners Parliamentary Committee, and you have been good enough to hand in a Memorandum No. 74?—(Sir Alan Garrett Anderson.) Yes; the Memorandum is as follows —

#### MEMORANDUM 74.—JOINT MEMORANDUM OF EVIDENCE BY THE ASSOCIATION OF BRITISH CHAMBERS OF COMMERCE, FEDERATION OF BRITISH INDUSTRIES AND SHIPOWNERS' PARLIAMENTARY COMMITTEE

1 The present Memorandum of Evidence is submitted by the Association of British Chambers of Commerce, Federation of British Industries and Shipowners' Parliamentary Committee, hereinafter referred to as "The British Trade Organisations."

2. *Representation.*—These Organisations are fully representative of British trade, industry and shipping, as follows.—

*Association of British Chambers of Commerce* representing over 100 Chambers of Commerce of the United Kingdom, with 45,000 members, representing the trade and commerce of the country.

*Federation of British Industries* representing some 155 industrial trade organisations and some 19,000 industrial firms, covering all branches of British Industry.

*Shipowners' Parliamentary Committee* representing practically the whole of British shipping.

3. *Objective of Evidence.*—The British Trade Organisations are concerned in relation to the proposals contained in the Government White Paper on Indian Constitutional Reform with the commercial and economic aspect of such reform, rather than the political aspect. The

present Memorandum is, therefore, confined to questions affecting the trade, shipping and general economic interests of India and Great Britain as these may be affected by the proposals in the White Paper. In particular they are directed to the questions of safeguards necessary in the mutual interest of India and Great Britain for British capital and business interests in India.

4. *Safeguards against Discrimination.*—Proposals for such safeguards are referred to in paragraphs 24-26 and 29 of the Introduction to Proposals and in Proposals 122 to 124 of the White Paper. The British Trade Organisations desire to submit the following observations in regard to these Proposals in particular.

5. While the British Trade Organisations do not claim special knowledge of the peculiar problems of India, they are acquainted generally with the views in regard to commercial discrimination which are held by the Association of Chambers of Commerce of India, the London and Manchester Chambers of Commerce and the British Assurance Association, and associate themselves generally with these views.

6. In the view of the British Trade Organisations it is essential that the new



5<sup>o</sup> Octobris, 1933.]

SIR ALAN GARRETT ANDERSON, K.C.B.,

[Continued.

Mr R. B. DUNWOODY, C.B.E., Mr. M. W. WATT and Mr. P. MAURICE HILL.

Constitution of India should contain effective safeguards against discrimination directed against British persons or corporations engaged in any form of industry, trade, commerce or shipping in India on grounds of religion, descent, caste, colour, language, citizenship, domicile, place of birth, place duration or continuity of residence or incorporation, or for any other cause. It is recognised that India must be free to regulate her business, property laws, and laws of residence and travel as her needs demand. What is essential to provide is not that British subjects and companies should be exempt from such regulations, but that they should be exempt from differential regulations. It is, however, unfair and impracticable to place upon the Governor-General or Provincial Governors the duty of preventing such differential treatment by the power of veto unsupported by provisions in the Constitution which will make such discrimination illegal. It is, therefore, essential that, as laid down in Proposal 122, the Act of Constitution should automatically render all discriminatory legislation *ultra vires*, except strictly such as is "necessary in the interests of the peace and tranquillity of India" as provided in the second paragraph of Proposal 122, in which case such exceptional measures should be compulsorily reserved for the Royal Assent by Order in Council after approval by both Houses of Parliament.

7. That British interests have good reason to fear discrimination has been made patent—

(1) *generally*, by statements made by representative Indian bodies and individuals.

Thus,

(a) The Federation of Indian Chambers of Commerce have explicitly stated in a Statement dated 21st October, 1929,

"There can be no self-government in India if she is to be denied the power to devise and follow a national economic policy, *including the right, if her interests required it, of making economic discrimination against non-national interests.*"

(b) According to the "Statesman" of 16th April, 1933, Mr Walchand Hirachand criticising the proposals for Indian Constitutional Reform,

particularly those relating to the commercial and financial safeguards, in his Presidential Address at the Annual Meeting of the Federation of Indian Chambers of Commerce and Industry held at New Delhi on the 15th April, stated —

"I personally hold the firm conviction that no country at the present day can develop her industries without following the deliberate policy of discrimination, without excluding non-nationals in the country, and without giving substantial help, either in the form of subsidies or bounties, to those nascent industries that require careful bringing up. And I personally see no relief from any formula, howsoever worded, unless the clear right of discrimination against any non-national is vested in the country."

(2) *as regards shipping*, by the fact that the Coastal Reservation Bill, which would have shut out British shipping from the coasting trade of India, obtained a Second Reading in the Legislative Assembly on 20th September, 1928.

For this reason it is absolutely essential that the Act of Constitution should contain express and specific provision against discrimination in the field of shipping in accordance with the assurance given in the second paragraph of Proposal 123, and that such provision should cover both the coasting trade and the overseas trade.

8. The British Trade Organisations observe from paragraph 3 of the Introduction of the White Paper that this document is intended to set out the principles adopted by H M Government but that latitude exists not only to improve the wording but also to elaborate the proposals made therein, when translating them into the form of an Act of Constitution. They submit that the Act of Constitution should be so drafted as to make the safeguards against legislative discrimination completely watertight. Before finally expressing an opinion on the efficacy of the Proposals in the White Paper they would, therefore, wish to see the actual clauses as drafted in the Bill and, if necessary, to submit further representations on them.

9. It is further observed from paragraph 1 of the Introduction of the White

5<sup>o</sup> October, 1933]

SIR ALAN GARRETT ANDERSON, K.C.B.,

[Continued.]

Mr. R. B. DUNWOODY, C.B.E., Mr. M. W. WATT and Mr. P. MAURICE HILL.

Paper that the policy of H.M. Government as announced to the Indian Round Table Conferences "involves the finding of a suitable basis for the conversion of the present system of Government in India into a responsibly governed Federation of States and Provinces on the understanding that the responsible Governments so established must, during a period of transition, be qualified by limitations in certain directions. These limitations, commonly described by the compendious term 'safeguards,' have been framed in the common interests of India and the United Kingdom"

10 The British Trade Organisations recall that in a speech reported in "The Times" of 7th March, 1931, Mr. Baldwin stated —

"There is a second side of the problem to which we must also give our closest attention. There is the side of British trade. We have all been gravely concerned by the boycott of British trade in India and by the methods employed. It is unnecessary to say more on that point at the moment in view of the statement issued by the Government which you have seen in this morning's papers. Suffice it to say that as a party we intend . . . to insist that in any future settlement of the Indian Constitution there shall be a fundamental provision prohibiting unfair discrimination against British trade."

They further note that in the course of his speech during the first day of the Indian Debate in the House of Lords, the Lord Chancellor said —

"Next as to commercial discrimination. This is a matter which has caused great anxiety to the trading community both at home and in India. Discrimination may be exercised either legislatively or administratively. The basic proposal is that the avoidance of discrimination would best be achieved by specific provisions in the Constitution. Time forbids me to go into the subject, important though it is, at greater length, but the Governor-General, and the Governor of each Province — has a special responsibility given charging him with the prevention of commercial discrimination. The

*Legislatures will have no power to make laws of a discriminating character against any British subject, including in that term companies, partnerships or associations constituted by or under any Federal or Provincial law."*

The British Trade Organisations hope that every care will be taken in drafting the Act of Constitution to give the fullest effect to these statements of policy.

#### 11. Suggested Improvements in Proposals 122-4

The safeguards as applied to trade, industry and shipping are elaborated in Proposals 122, 123 and 124. The British Trade Organisations, while they consider that these Proposals in principle go far to meet the needs of India and the United Kingdom in providing safeguards against direct discrimination, are of the opinion that as at present drafted they are in certain respects insufficient to provide the full measure of protection which experience shows is necessary.

They, therefore, desire to offer the following observations and suggestions for their improvement and in order to give full effect to their intention.

##### A. Proposal 122.

(1) Proposal 122 excludes legislative discrimination on grounds of "religion, descent, caste, colour or place of birth". It is necessary to extend these words to cover also "language, citizenship, domicile, and place duration or continuity of residence" in order to close the door to discrimination on those grounds, and in particular to protect British concerns registered or operating in India and owned partly or wholly in the United Kingdom, who might otherwise be discriminated against by reason of the domicile or residence of their shareholders or directors.

(2) It is similarly desired to submit that the words in Proposal 122 "in respect of taxation, the holding of property of any kind, etc., etc.," should be extended to cover the whole range of status and civil rights.

##### B. Proposal 123.

(3) *Taxation.*—It is observed that while Proposal 122 includes protection against discriminatory taxation, Pro-

5<sup>o</sup> Octobris, 1933 ]SIR ALAN GARRETT ANDERSON, K.C.B., [Continued.  
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posal 123 does not. The omission is doubtless due to an oversight, but it is of the utmost importance that it be made good. Discriminatory taxation may arise in—

(a) Federal or Provincial Taxation;

(b) Municipal Taxation

(4) *Double Taxation*—In this connection it may be useful, quite apart from any question of discrimination in taxation, to refer to the question of double taxation. Experience since the war shows that great confusion arises and harm is done to business where several legislatures seek to tax the same income. The problem of double taxation has received prolonged consideration by the League of Nations and by individual Governments. Conventions have been prepared for the removal of this evil and in one department of commerce, viz, shipping, successful action has been taken to remove it. No less than 80 reciprocal agreements for the avoidance of double taxation in shipping have been entered into by Governments in all parts of the world. The British Imperial Economic Conference, 1923, while recommending in principle that double taxation of shipping within the Empire should be abolished, provided an interim method of relieving the hardships involved by means of a certificate of the ratio of the profits to gross earnings issued by the United Kingdom Revenue Authorities and accepted by other Governments in the Empire, including India. By this means injustice involved in taxation on a basis of profit where in fact loss has been incurred has been lessened, and wasteful expenditure of time and money in preparing unnecessary returns has been avoided.

India was, indeed, among the first to adopt the recommendations of the Imperial Conference and the system as applied to India, though limited, has worked smoothly and with good results. It is important that nothing in the Act of Constitution should be allowed to disturb or undo the arrangements thus arrived at. It is further hoped that the Constitution will be so framed as to enable India to lay a firm foundation for the ultimate total abolition of double taxation, in harmony with the existing world-wide movement to that end

(5) *Onus of Proof*—If it is decided to give effect to Proposal 123 in its present form, it is considered essential that the onus of proof should be on those introducing discriminatory legislation to show that corresponding discrimination exists in the United Kingdom, and not on the complainants against such legislation to prove a negative by showing that no such discrimination exists in the United Kingdom

C Proposal 124.

(6) *Subsidies*—

(1) *Discrimination by Subsidy*. It may be useful to recall the findings of the World Economic Conference in 1927 on this subject—

“The fact that subsidies are in certain circumstances held to interfere less with the liberty of trading than customs tariffs does not make it any the less necessary to lay stress on the hidden dangers inherent to this means of encouraging production and exportation. The greater the number of countries which have recourse to this practice, the more difficult would it be for other countries to refrain from following their example. Thus, the attempt to restore foreign trade to normal conditions meets with a real obstacle in the shape of subsidies.

The Conference draws the attention of the various Governments to the true nature of direct or indirect subsidies, which are merely a palliative, and expresses the hope that Governments will, so far as possible, refrain from having recourse to them.”

Similarly, at the World Economic Conference now sitting in London, the Chancellor of the Exchequer, Mr Neville Chamberlain, stated that—

“Subsidies in export trade involve unfair competition and their adoption by one Government forced the same unsound expedient on other Governments with the result that eventually the Budgets of all the Governments concerned were burdened without any advantage being secured to the export trade of any nation. These considerations applied with particular force to shipping subsidies which in many countries had made shipping a burden on the national exchequer instead of contributing to its welfare.”

5<sup>o</sup> Octobris, 1933 ] Sir ALAN GARRETT ANDERSON, K.C.B., [Continued.  
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The danger which is apprehended by all sections of British trade and industry in India from discrimination, whether direct or by means of subsidy, is well illustrated by the experience already obtained in the sphere of ocean transportation. British trade with India depends essentially upon the maintenance of ocean transport on the basis of an open freight market which alone can guarantee to commerce the best possible facilities represented by safe, efficient, regular, frequent, and economic shipping services. Such a market cannot function if subjected to the disturbing influences inherent to limitations or restrictions framed to promote a particular and immediate interest. An open freight market as required by commerce can only be maintained on an economic basis. That basis, both in India and elsewhere, was maintained in the fifty years preceding the war, a period of vast development and expansion in international trade. Since the war, however, many nations have subsidised national shipping to such an extent as to endanger the continuance of the open freight market by creating conditions which threaten to undermine the foundation of and to destroy the shipping industry in all countries. Subsidies have indeed not only been largely responsible for an over production of shipping 60 per cent. above the present-day requirement of trade, but they have contributed materially to the dislocation of trade and consequent breakdown of the money machine, the catastrophic fall in prices and the constriction of world trade. Incidentally, it is to be observed that at a time when all countries and all shades of thought are agreed that the slump in prices is the immediate cause of that constriction of trade, a comparison of the present and pre-war level in the prices of freights and wholesale commodities shows that freights are 25 per cent below pre-war, while wholesale commodity prices are only 1 per cent. below pre-war.

It is thus important, alike from the national, imperial, and international point of view, to provide against discrimination by grants, bounties or subsidies out of public funds to commercial concerns. The British Trade Organisations note that Proposal 124 brings subsidies into the condemnation of means whereby discrimination may be practised, and to some extent, therefore, closes the

door to discrimination by that means. They feel, however, that the Proposal as at present drafted still leaves the door dangerously ajar to discrimination by means of subsidies, and that it is desirable that, in the Act of Constitution, that door should be closed and barred.

It is observed that Proposal 124 provides that a subsidy shall not be held to fall within the condemnation of discrimination contained in Proposals 122 to 123—

“by reason only of the fact that it is limited to persons or Companies *resident or incorporated in India* or that it imposes on Companies not trading in India *before the Act was passed*, as a condition of eligibility for any such subsidy, that the Company shall be incorporated by or under the laws of British India, or conditions as to the composition of the Board of Directors or as to the facilities to be given for training Indian subjects of His Majesty.”

It would appear that the validity of the safeguard intended in this Proposal turns to a large extent upon the interpretation of the words “*resident or incorporated in India*.” It is understood that Proposal 124 will be drafted to make it clear that residence includes individuals and corporations engaged in business in India, and that all companies whether registered in the United Kingdom or in India which are engaged in business in India will be placed in the same position in relation to unconditional eligibility for subsidies, etc., if they were trading in India before the Act granting the subsidy was passed.

(11) *Conditions of Eligibility for Subsidies*

(a) It is most undesirable in principle that there should be any outside interference with the composition of Boards of Directors. It is therefore submitted that the provision for Government approval of the composition or of the conditions of composition of such Boards should be omitted from the Act. Failing this it is suggested that the power to impose conditions as to the composition of the Board of Directors be limited to a condition requiring that a proportion—say one-third—of the Directors shall be persons of Indian race and domicile.

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It is regarded as important that any conditions governing the grant of subsidies should be incorporated in the Act granting such subsidy.

(b) The Commercial Safeguards Committee of the Third Conference agreed that "bounties or subsidies should be available, without distinction, to all firms or individuals engaged in a particular trade or industry at the time of the enactment authorising them is passed" It is important that this principle should be clearly incorporated in the Act of Constitution and that any ambiguity in Proposal 124 should be removed.

(c) In regard to the proposed condition that facilities be given for training Indian subjects, it is important that the word "reasonable" be inserted before "facilities" as recommended in the External Capital Committee's Report.

(d) It is not clear from Proposal 124 that a company registered in Great Britain but trading in India before the Act granting a subsidy would be protected from discrimination in the event of its subsequent registration in India. It is of the greatest importance that such a company and also a company registered in India after the passing of the subsidy Act but acquiring a business in India which existed before such Act should be deemed for the purposes of eligibility to have been trading in India before the Act

#### Generally

(7) *Municipalities*—It is necessary that care should be taken in drafting the Act to extend the safeguards so as to cover discrimination by Municipalities, Dock Authorities and other similar corporations or undertakings, whether by rules, orders, by-laws, regulations or otherwise

(8) *Ports*.—Similarly, it is important from the point of view of Imperial communications as well as of India, that all Bills affecting the administration of major ports in India should be subject to the prior recommendation of the Governor-General.

(9) *Professions*—As at present drafted it does not appear that Proposal 123 will safeguard the position of British professional men practising in India by

reason of British qualifications. This should be made clear in the Constitution and in doing so the provision should be so framed as to cover ships' Masters and Officers, who should be free to practise their calling on the basis of British Board of Trade certificates as at present. In the same way express recognition is required of the existing qualifications of pilots.

12 *Administrative Discrimination*.—Administrative discrimination was discussed at all stages of the Round Table Conference, but the only direct reference to it in the White Paper is in paragraph 29 of the Introduction. It is admittedly difficult to deal with this danger in an Act of Parliament as it is impossible to foresee all the means which might be adopted to discriminate in practice while not actually infringing the letter of the law. Such administrative discrimination may be exercised through the medium of contracts, licences, subsidies, appointments (e.g., of pilots), etc.

Peculiar danger of discrimination is also apprehended from laws which, while on their face not discriminatory, may prescribe or authorise the making of regulations which may be so framed that British traders or shipowners cannot comply with them though Indians can, with the result that British interests would be effectively discriminated against.

In order to provide adequate protection against administrative discrimination, it is therefore suggested that provision be made in the Act of Constitution for any party who feels that he is aggrieved to have the right to apply to the Governor-General for an Enquiry, similar to those frequently appointed by Ministers in Great Britain. Such Enquiries should be presided over by impartial Chairmen, e.g., High Court Judges, who should then report to the Governor-General.

At the same time the need for preventing administrative discrimination should be emphasised in the Instrument of Instructions to the Governor-General in accordance with the policy outlined in paragraphs 24-5 of the Introduction to the White Paper. It will be noted that "the prevention of commercial discrimination" is there included among the "special responsibilities" to be imposed on the Governor-General by the Act of

5<sup>o</sup> Octobris, 1933 ]Sir ALAN GARRETT ANDERSON, K.C.B., [Continued.  
Mr R B DUNWOODY, C B E., Mr. M. W. WATT and Mr. P. MAURICE HILL.

Constitution, and it is of the utmost importance that the Governor-General's task in discharging this responsibility should be assisted as far as can be done in the Act itself.

## CONCLUSION.

The British Trade Organisations, while appreciating the proposals in paragraph 29 of the Introduction and Proposal 124 of the White Paper, when taken together, and of the safeguards contained in Proposals 122 and 123, submit that—

(1) In a matter of such vital moment to the commerce of India and Great Britain, no element of chance or uncertainty should be allowed to remain, but that Proposal 124 should be so translated into terms of the Act of Constitution as to make any legislative proposal or action, having the intention or effect of discrimination by means of subsidies, automatically unconstitutional and *ultra vires*.

(2) Full effect should be given to the intention of Proposals 122 to 124 when drafting the Act by the inclusion of the points suggested above, and any attempt to weaken these Proposals should be strongly resisted by H M. Government and by Parliament.

12,060. May I address my questions to you, in the first place, Sir Alan?—If you please.

12,061. Do you desire at this stage to extend or to make any correction in that Memorandum, Sir Alan?—No, thank you.

12,062 Do you wish to make any preliminary statement?—No, unless you wish me to go through the Memorandum.

Chairman ] The Memorandum seems to me very plainly to set forth your case and I shall ask my colleagues to put any questions to you that they may wish to put.

Marquess of Zetland.

12,063. Sir Alan, your main contention in your Memorandum seems to be, I think, that the safeguards against commercial discrimination which are set forth in the White Paper are very far from being watertight. That is your main contention, is it not?—Yes.

12,064. And you make various suggestions which you think would give you greater protection. I am not going through your various suggestions because you put them very plainly, if I may say so, in your Memorandum, but there are one or two points that I would like to ask you questions on in order to make clear to my own mind exactly what it is that you have in mind. With regard to possible discrimination by means of subsidies your main contention there is I think that it would be inadvisable that conditions as to the composition of the board and so on should be laid down as a condition of the receipt of the subsidy. That is your point, is it not?—That is one point, yes.

12,065 And you suggest that if these conditions are to be retained there should be some small alteration made in them. There is one small point I would like to ask you about in connection with the change which you would like to see made in the condition with regard to the facilities given for the training of Indian apprentices, I think it is. The facilities, that is to say, that should be offered by a firm for the employment of Indians. You would like to see the word "reasonable" inserted in front of the word "facilities." My only doubt upon that point is this. Who would be the arbiter who would interpret what was a reasonable facility?—I am afraid I cannot answer that.

12,066 But it is quite obvious that when you insert a word like "reasonable" different people will take different views as to what constitutes a reasonable facility, and I presume that if these differences do arise somebody will have to decide. Have you not considered what the machinery will be by which a decision as to what was a reasonable facility would be arrived at?—I should have thought in the last resort the courts would decide what was reasonable, but what we are doing is submitting to you, who are I suppose considering the form the law should take, what are the dangers which ought to be avoided.

12,067 Yes?—One danger in discrimination is that the law should provide that apprentices might be stipulated for and we say that the word "reasonable" should be put in front of "facilities," because if you made an unreasonable demand for apprentices or anything else you would negate the whole of the other safeguards. How exactly the law

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will be interpreted I am afraid I cannot tell you. I am not a lawyer.

12,068. Then with regard to the possibility of administrative discrimination, may I refer you to your Memorandum, paragraph 12, under the heading of "Administrative Discrimination," where you say: "Peculiar danger of discrimination is also apprehended from laws which, while on their face not discriminatory, may prescribe or authorize the making of regulations which may be so framed that British traders or shipowners cannot comply with them though Indians can, with the result that British interests would be effectively discriminated against." That appears to me to be a very forcible point. Could you give the Committee an illustration of the kind of thing which you had in mind when you drafted that paragraph?—I have not one directly in my mind, but there are in the discussions between different powers many instances of the way in which this discrimination is adopted. In dealing with two different nationalities or two different races there are many conditions which can be complied with by one and cannot by another, and it is very easy to make a stipulation that if a certain condition is complied with and you know that the native Indian can comply with it and the British cannot, in that way you can discriminate.

12,069. I quite appreciate that you could discriminate in that way. I only could not call to my own mind at the moment the sort of case in which that kind of discrimination might arise and I thought you might be able to give us an example?—No, I have not any.

Sir Austen Chamberlain.

12,070. It is very difficult for us to see against what danger you desire us to provide if you yourself are unable to give us any illustration. I confess I cannot deny the abstract proposition, but I have no idea what would be the appropriate remedy because you have given us no illustration of the sort of thing you fear. Is it not possible to help the Committee a little more?—It would be very easy for anyone who was personally acquainted with the Indian trade to do so. I am not. I cannot give you the details about India, but there is an infinite range of subjects in which the Briton and the Indian differ; for example, diet and accommodation. If you look upon the

Mercantile Marine, in diet and accommodation and all those things, entirely different conditions are required for the one and for the other. If the controlling authority desires to discriminate it has an infinite range in which it can do so by stipulating the conditions suitable to the one class of man and not suitable for the other. If the Committee would like to have detailed examples I can very easily procure them, but I am afraid I am not myself acquainted in any detail at all with the Indian trade.

Sir Austen Chamberlain.] Considering your answer, I see very easily how they could stipulate conditions which were sufficient to attract Indians but insufficient to attract Europeans, but that would not amount to the exclusion of Europeans because the British company, for example, provided it provided the diet prescribed for Indian conditions, could also give a diet suitable for the Indian conditions. I cannot get your case clear in my mind; that is my trouble.

Sir John Wardlaw-Milne.

12,071 May I ask the witness a question with the idea of trying to clear up the point which Sir Austen has made and of which Sir Alan must have first-hand knowledge, I think? Is not the sort of example he has in mind the case that might be made in connection with the Mercantile Marine, for example, in which it was laid down by some Act in India that officers of the Mercantile Marine ships plying to India, must have an examination or a qualification by examination in India; some form of certificate instead of the present Board of Trade certificate secured only in India? Is that the kind of thing you have in mind?—That would be one. For example, in the admittance of migrants into Australia there was power to the examining person to pass them in any language and, of course, that was a facility for discriminating quite freely.

Lord Snell.

12,072. My Lord, is not Sir Alan's case this, that in coastal shipping and things of that kind the Indian authorities might prescribe living conditions and working conditions on board vessels below the standard to which British people have been accustomed and below which they could not live? Is not that the kind of



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thing?—Yes, that is one. The standard might be entirely suitable for the Oriental and entirely wrong for the European, but there is an enormous range

Mr. N. M. Joshi

12,073. I do not understand how that goes against the European?—If it was prescribed that the ships had to be fitted in a way suitable for the Oriental sailor they would be unsuitable for the white sailors

12,074. Do you mean to say that you propose to take white sailors for the coastal traffic in India?—No, I did not say so.

Mr. N. M. Joshi.] Would that pay you?

Chairman.

12,075 Might it not be better before we go into these technicalities that you should reinforce your case by reference to those who are expert and then, if necessary, you could let us have a note upon that?—Yes.

12,076. We seem to be considering matters with which none of us are competent to deal?—I had not thought I would be asked the detail of that, but we can easily get details of that kind.

Chairman.] Does the Committee support that suggestion? (Agreed.)

Marquess of Zetland.

12,077. There is one other question also in connection with administrative discrimination. It is proposed in the next paragraph under paragraph 12 (Administrative Discrimination) that "provision should be made in the Act of Constitution for any party who feels that he is aggrieved to have the right to apply to the Governor-General for an Enquiry similar to those frequently appointed by Ministers in Great Britain. Such Enquiries should be presided over by impartial Chairmen, e.g., High Court Judges, who should then report to the Governor-General." I suppose the report of such a committee would be made in an advisory capacity to the Governor-General, and the Governor-General would then give a decision. Is that the intention of the proposal?—That was our idea

12,078 Do you suggest this procedure as an alternative to procedure in the ordinary courts?—Yes.

12,079. Why should you imagine a tribunal of that kind to be better qualified to come to a right decision than the ordinary courts. What is the reason for having the special tribunal?—The suggestion is intended as an additional safeguard. It is additional to the right of appeal to the ordinary courts, and it is suggested that if this administrative discrimination does not come under the ordinary law but still is an administrative discrimination, there should be this right to call for an enquiry as to whether it really is discrimination. That is the suggestion.

Lord Rankeillour.

12,080. Arising out of your last answer, Sir Alan, you do not suggest that this court should have any power to make an order or to come to a decision? It is merely to report?—To report, yes

12,081 I suppose you realise that these sections with which you are concerned are merely a statement of the proposals of the Government and are not put into proper drafting language?—Yes.

12,082 In the bodies you represent I suppose you have permanent legal advisers?—Some have, yes.

12,083 Would not it be possible for you to instruct them to draft clauses in proper legal form as they should appear in an Act of Parliament, carrying out your wishes? I think it would be a considerable help to the Committee if you were able to do so?—Yes, we will certainly be very glad to do so

12,084. I suppose you would realise when all is said and done, whatever provisions you may put in, the action of the Executive is a paramount consideration which possibly no statutory provisions will altogether replace?—Yes, we quite realise that

12,085 That was brought out, I think, in a Report of the Federal Structure Committee. It said "The real safeguard must be looked for rather in the good faith and commonsense of the different branches of the Executive Government reinforced where necessary by the special powers of the Governor-General"?—Yes

12,086. You are familiar with that?—Yes

12,087. You think you would have no difficulty in bringing the clauses that you wish before the Committee?—We will do our best. We will try to draft them.

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Marquess of Salisbury.

12,088. I suppose that the reason why you have suggested this special form of enquiry as an alternative to the Courts of Justice is that you think that many of the considerations which are really necessary to be borne in mind in order to produce an equitable result are not capable of an absolute legal definition?—Yes.

12,089. You are appealing rather to the sense of justice of a Court of Inquiry and the Governor-General acting on their advice rather than upon a matter of strict legal interpretation?—Yes.

12,090. That is really the point of the suggestion?—That is the point.

Sir John Wardlaw-Milne.

12,091. I would like to ask Sir Alan a question in regard, first of all, to the general aspect of this Memorandum which he has submitted. Am I right in assuming that what is feared principally is administrative action causing discrimination rather than legislative action. Is that possibly what the Chambers fear?—I should have said both or either, but the one that is most difficult to prevent by words in a law is the administrative discrimination.

12,092. That is probably, therefore, the one you most fear. Would you turn to paragraph 11 of your Memorandum. Under "A" you say you want to extend the words of Proposal 122 to cover "language, citizenship, domicile, and place duration or continuity of residence." Do not you think that that would probably go further than you really want? All you are really aiming at, I suggest, is that there should be no discrimination against British citizens trading in India whether they represent companies registered in this country or in India. These words would really widen it to the whole world, would they not?—Whether they represent companies registered or domiciled, I suppose.

12,093. Your reference is purely to British companies?—Yes.

12,094. That again, if I may say so, is made clear in paragraph 11, subheading 6 (ii), under subheading (b) of "Conditions of eligibility for subsidies." You say: "Bounties or subsidies should be available, without distinction, to all firms or individuals engaged in a particular trade or industry." There the point you want to make is whether

a company is registered here, or subsequently registered in India, provided it complies with a reasonable law in India, it should be equally eligible for all subsidies?—Yes.

12,095. Are you averse from a law being passed in India which requires a certain amount of Indian capital in a company operating in India or getting a subsidy in India?—No, if the law applies to all companies, and British companies are able to comply with the law, we think it is just that they should have to do so.

12,096. Nor are you opposed to a proportion of Indian directors?—We make some remarks about that, but, again, what we object to most is the discrimination. We fully realise that India must make up her own mind about what laws she passes, and, as long as those laws apply equally to both the races, then we have nothing to say.

Sir John Wardlaw-Milne.] My Lord, it is a little difficult, in view of the course which you have suggested and the Committee have approved, to ask questions under the important headings which appear on this part of the Memorandum, but, if I transgress, perhaps you will forgive me.

Chairman.] I must leave that to the judgment of my honourable friend.

Sir John Wardlaw-Milne.

12,097. In paragraph 11 (7) under "Municipalities" you refer to the danger of discrimination by municipalities, dock authorities, and similar corporations. I only ask that, if you are putting in a new Memorandum dealing with the examples of possible discrimination, you would give us some details of what you specially refer to in that paragraph?—Yes. Of course it would be easy for anyone acquainted with the details of Indian trade to provide a number of examples, but they would not be inclusive. You must not look upon them as the whole list. In dealing with docks, the ordinary way in which discrimination can be used is to give prior claims to berths or facilities, or to the movement of your cargo. There are any number of ways in which you can help one person, or line, or race against another.

12,098. By reason, do you mean, of their being Indian companies as against British companies?—That is the danger we fear, of course.

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[Continued.]

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12,099 Again with regard to paragraph 11 (8) "Ports," you ask specially that any legislation affecting the administration of major ports should be subject to the prior recommendation of the Governor-General. You do not want a veto. You want a condition which will prevent any legislation being introduced about major ports without the consent of the Governor-General. Is that clear?—We try in that paragraph to emphasise the extreme importance of the major ports. They are the bottle neck of all trade, and they are so important that, when the nations of the world some ten years ago entered into a convention for the freedom of the seas, it was entitled "The Convention of Maritime Ports." If any nation desires to interfere in commerce and to discriminate the easiest place to do it is at the main great ports, and therefore we think this is of extreme importance, and should be specially watched.

Earl of Derby.] What paragraph is that?

Sir John Wardlaw-Milne.

12,100. Sub-paragraph (8) of paragraph 11, "Ports." Just as to how you want this done it appears from this that you do not suggest that the legislation should come entirely from the Federal Government, but, further than that, that it should not be introduced at all without the consent of the Governor-General. That is your recommendation?—Our suggestion is that the prior recommendation of the Governor-General is needed before legislation.

12,101. Any legislation?—All Bills affecting the administration of major ports.

12,102. Then in connection with sub-paragraph (9) "Professions," would it be correct to say that what is feared here is that again there may be some discrimination of the kind that would require professional men to have a degree only obtainable in India, or something of that kind. Is that what you have in mind?—Yes, that is what is feared.

12,103. Generally speaking, do you agree that the White Paper sets out safeguards which are intended to be sufficient, but which would not be complete enough. Is that your case really?—That is our feeling.

Sir Manubhar N. Mehta.

12,104. I would like to ask one or two questions. From the way in which arguments have been put in this Memorandum against the grant of subsidies and bounties and the quotations from several authorities it would appear that you are against subsidies and bounties altogether. Is it your demand merely that there should be no discrimination against British trading, or do you ask for no discrimination in Indian legislation at all?—No. We recognise that subsidies up to a point have been given by almost every power, and very often are required, and are often legitimate. In the last few years subsidies in various directions have, in our view, been carried much too far. They have interfered with normal commerce, and complaints are made against them not only by British commerce, but by the commerce of the whole world.

12,105. Do I understand then that the protection that you seek is not only for British trade and commerce, but also for the world commerce?—No; what we are talking of here is discrimination in subsidies.

12,106. Discrimination against whom?—Against the British.

12,107. Because the inference that would be gained from your extension to "language, citizenship, domicile and place duration," would suggest that you are asking for the elimination of discrimination against the whole world?—I am only speaking for British industry here.

Sir John Wardlaw-Milne.

12,108. I understood you to say in answer to Sir Manubhai that you did not mean protection for the whole world trade, but for British trade?—Yes, I am speaking for British trade.

Sir Austen Chamberlain.

12,109. Not only is the witness personally speaking for British trade, but, as I understand it, we are to read the whole memorandum as applying to British trade?—Yes.

12,110. Not to world trade?—No, British trade.

Marquess of Salisbury.] Does "British" include the Dominions?

Sir Manubhar N. Mehta.

12,111. That is the second question I am going to ask about the Dominions.

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Do I understand you correctly that your extension of Sections 122 and 124 to the Dominions implies any reciprocity in the matter?—I am only briefed to speak for British trade; I have no authority to speak for anyone else.

Sir *Abdur Rahim*.

12,112. I want to draw your attention to paragraph 6, pages 2 and 3. As I read it, am I right in understanding that you recognise that India is entitled to fiscal autonomy? As a matter of fact, it enjoys fiscal autonomy. What you are seeking is not to affect the fiscal autonomy of India in any way, but to guard against discrimination against British trade, subject to the fiscal autonomy of India?—That is right.

12,113. So therefore you would allow subsidies, for instance, tariffs, if necessary, in the interests of the industrial development of India?—Yes.

12,114. That is what I understood. There is one thing about subsidies to shipping India has no transport trade, ocean trade, but I think there are one or two Indian companies which have a coastal trade. Supposing there be any sort of freight and rate wars by a big capitalist company. They wage a war against small companies—unfair competition. For instance, they say: "I am going to carry passengers and carry goods on very low uneconomic rates." Now would you prohibit any legislation to put that right in protection of a struggling company?—We do not intend in this evidence to comment at all upon the power of India to make legislation providing it is not discriminatory as between British and Indian. If India in her legislative competence decides to pass a law to restrain certain competition on the ocean, or certain forms of it, I imagine it would be within her power and that is certainly not what we criticise. What we should criticise is if this legislation were framed particularly to restrain the liberties of one company which happened to be British in favour of another company which happened to be Indian.

12,115. But it may so happen. Supposing a British company which has got a sort of monopolistic position in the coastal trade, for instance, reduces its rates to an uneconomic level so as to knock out an Indian company which has just started business?—It might happen; it constantly does happen, and it

happens in order to knock out not only an Indian but another British company. It is the ordinary incident of trade.

12,116. But do you not think that legislation in such cases may be necessary? I do not say in all cases, but in some cases—exceptional cases?—I should be going beyond my brief to discuss it. My brief is concerned with the discrimination of that legislation.

12,117. There might be difficulty in the interpretation of the word "discrimination" in a case like that; that is why I put it to you, if you could be more explicit?—I do not know that I can; I think I am explicit. If the legislation says that this British company is not to reduce its rates and an Indian company is to be allowed to quote lower rates, that would be discriminatory legislation. If the law prescribes the level below which no one can quote a rate, that would be open to both, not discriminatory, and of course that is one of the ways in which administrative discrimination may possibly come in.

12,118. There is only one other general question. I suppose you recognise that in matters of this sort it is more useful to have an agreement with another country than rigid legislative provisions. Rigid legislative provisions may be no protection and the matter can be negotiated by agreement. That would be better protection, would it not?—Matters of this sort being the competition between two companies, do you mean?

12,119. No; I mean as regards discrimination generally?—But I suppose this law will continue over many years. The agreement could only contemplate the facts of the moment.

12,120. But now, for instance, what is going on as regards the cotton trade? You see Japanese competition, as regard Lancashire and Japanese deputations have now gone to India endeavouring to negotiate an agreement. What I say is that in many cases agreement would be found far more useful than any sort of legislative provision like this?—Yes, I think we could quite agree that.

Sir *Hari Singh Gour*

12,121. Sir Alan, you have very freely made use of the expression "discrimination," but you recognise that it may be discrimination in intention or there may be discrimination in its result or in its

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effect. We are all agreed that so far as discriminatory legislation in the first sense is concerned, namely, intentional discrimination against the United Kingdom, it is to be deprecated, but at the same time visualise to yourself a case which would be covered by the intention of the Indian Government to develop its own trade, commerce and industry in that case, you recognise the legality and propriety of the Indian Government developing its trade by the grant of bounties and subsidies, do you not?—Yes.

12,122. Now that grant of bounties and subsidies may in a sense discriminate in effect but not in intention. You have no complaint against that?—Well, it depends how far they do discriminate, I think. It is true that the grant of a tariff or a bounty or subsidy discriminates in favour of the operation conducted in India as against the operation conducted in England.

12,123. Either in England or elsewhere—say, Japan?—That is not what we are commenting upon at all, but if the law is so framed that the bounty or subsidy discriminates in favour of the operation conducted in India by a native of India as against a native of Great Britain or a company formed in India as against a company formed in Great Britain, then we say that is discrimination against which we comment.

Sir Hari Singh Gour ] That is to say, you are complaining against what you have said, discrimination in intention but not against discrimination in effect if the primary purpose was the development of the industries of the country.

Marquess of Reading ] May I ask Sir Hari Singh Gour how you would prove intention except by consideration of effect?

Sir Hari Singh Gour ] You may prove intention by vindictive act of the Indian Legislature to punish British industries, to place them under certain disabilities. That would be an intentional discrimination, but if the primary purpose of legislation was to promote and develop indigenous industries though it may amount to discrimination in effect, it would not be obnoxious to the principle which Sir Alan Anderson and his colleagues have come here to advocate.

Marquess of Reading ] The result would be the same.

Marquess of Salisbury.

12,124. Let us be clear about this. You do not make this distinction between

the intention and the effect?—I do not share the questioner's view that it is discrimination at all. If India puts a tariff on against certain goods, she does make it more difficult for a person resident outside India to sell those goods in India. That is not what we describe as discrimination. That is a tariff policy. Discrimination, in our mind, is something quite different, and the way we have tried to meet this point is on page 12, (ii) (b) "The Commercial Safeguards Committee of the Third Conference agreed that bounties or subsidies should be available, without distinction, to all firms or individuals engaged in a particular trade or industry at the time of the enactment authorising them is passed." We say it is important that that principle should be clearly incorporated.

Marquess of Reading.

12,125. That is apart altogether from intention. That is judged by the effect, is it not?—That is fact, yes.

Sir Hari Singh Gour.

12,126. May I read to you a decision arrived at by a Committee of the Second Round Table Conference at page 53, paragraph 20, to the following effect "The Committee are, however, of opinion that it should be made clear that where the Legislature can determine upon some system of bounties or subsidies for the purpose of encouraging local industries, the right to attach reasonable conditions to any such grant from public funds is fully recognised, as it was recognised in 1925 by the External Capital Committee, and is recognised to-day by the practice of the Government of India itself". You have no objection to that?—No, I do not think so. I have not read it before.

Sir John Wardlaw-Milne.

12,127. On that point, I wonder whether Sir Alan will allow me to ask this question: Is it not a question of the interpretation of the word "legitimate"? Would not Sir Alan consider that the word "legitimate" in the paragraph that has been read means that there must be no discrimination?—I think probably if I took that home with me and studied it, I should make the same comment as we have made about several paragraphs in this paper.

Sir Phiroze Sethna.] Sir Alan, I am referring you to paragraph 7 of your memorandum; it is on pages 3 and 4.

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You divide that paragraph into two parts. In the first part, you have given quotations, one from a statement made by the Federation of the Indian Chambers of Commerce, and, two, from a speech made by the Chairman of that Federation. I suppose you are aware as to the reasons why the Federation prepared and sent out copies of that statement? I may inform you that this was in reply to a circular dated the 27th July, 1929, issued by the Associated Chambers of Commerce of India and Ceylon distributed widely in this country, including, amongst others, all public bodies and Members of Parliament. The sentence which was quoted from that statement reads as follows: "There can be no self-Government in India if she is to be denied the power to devise and follow a national economic policy, including the right, if her interests required it, of making economic discrimination against non-national interests". Perhaps it would have been better, Sir Alan, for the information of the Committee if you had also inserted the sentence which immediately precedes the one that you have quoted. That sentence reads as follows: "The authors of the circular desire that India's right to self-government as declared by the British Parliament in 1917 without any reservation whatsoever, except as to the pace of the progress, should be denied to her, by making reservations which shall deprive her of the right of regulating her economic policy to suit the economic needs and conditions of the country". Similarly, whilst you have quoted the following sentence from the speech of the Chairman, namely, "I personally hold the firm conviction that no country at the present day can develop her industries without following the deliberate policy of discrimination, without excluding non-nationals in the country, and without giving substantial help, either in the form of subsidies or bounties, to those nascent industries that require careful bringing up. And I personally see no relief from any formula, however worded, unless the clear right of discrimination against any non-national is vested in the country". Here again, Sir Alan, the sentence immediately preceding that in the speech of the Chairman throws considerable light. He says: "I would like to ask what earthly chance can Indian enterprise have against the already established large scale industries and giant vested interests possessing huge

reserves, accumulated experience and resources enough to wipe out all Indian newcomers unless these newcomers are protected by the Government through discriminatory powers both legislative and administrative against non-nationals". The first quotation which I give is to show that self-government as promised in 1917 implied the right to formulate the economic policy of the country as best suited to the national requirements even by reserving in the economic sphere certain privileges to its nationals to the exclusion of all non-nationals; and the second quotation which I have given from the speech of the Chairman explains the reasons for such discrimination in favour of national interests to the protection and development of indigenous industries against competition from powerful and resourceful rivals. There is no intention to discriminate against British interests qua British interests.

Sir Austen Chamberlain.] I do not follow the last sentence. What you have previously read and said seems to me to be in direct contradiction of the sentence with which concluded.

Sir Phiroze Sethna.] The last sentence is: "There is no intention to discriminate against British interests qua British interests," just because they happen to be British.

Sir Austen Chamberlain.] I do not agree. That is in contradiction to what you previously read out.

Sir Phiroze Sethna.] The point is that there are certain British interests which have tried to crush national industries and have prevented their growth. Against such we might ask for discrimination, but as against ordinary British interests because they are British, there is no intention of asking for any discrimination.

Earl of Derby.] Who is to judge that they are crushing it? Who is to judge that they are not engaged in perfectly legitimate competition?

Sir Phiroze Sethna.] The Federal Court or any independent body, if you like, or the Governor-General, if you like, in his discretion. We have no objection.

Sir Austen Chamberlain.] I understand the contention that it should be within the power of the Indian Government to establish a new industry in India, but do you claim the right to say that that new industry shall be established only by Indian Nationals?

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Sir Phiroze Sethna.] That would lead me on to another question.

Mr Austen Chamberlain.] And that a British subject not being an Indian National shall be precluded from establishing an industry.

Sir Phiroze Sethna.] I will not say that it applied to anything, but it would, according to me, to basic and key industries.

Sir Austen Chamberlain.] That is clear discrimination

Sir Phiroze Sethna

12,128 In that case, I would certainly suggest discrimination in the matter of basic industries. I know that is a very difficult question to decide, but I think proper experts might be able to do so and tell us what are the basic and key industries?—I am sorry, my Lord Chairman, if our quotations were not long enough, but the additional sentences do not really vary the point we were trying to make, they only reinforce it. We were trying to show you that we had some reason to suppose that discrimination was one of the weapons which was seriously regarded as a useful weapon for the development of India by responsible people. In our view, they are mistaken, and I could join the last questioner in quite a long argument about the points he has raised. I think they are definitely wrong, in thinking that this is a wise thing to do, but anyway we think that it is most unwise and quite contrary to the general tenor of this paper to leave that power floating about when people have said that they want to use it. That is our point.

Sir Phiroze Sethna.] And that power can be used and is used by British possessions in other parts of the Empire and yet you would object to India exercising that power. Even under the British Nationality and Status of Aliens Act of 1914, the right of a British possession to differentiate between the different classes of British subjects is fully recognised under Section 26 (1), which reads as follows: "Nothing in this Act shall take away or abridge any power vested in or exercisable by the Legislature, or Government of any British possession, or affect the operation of any law at present in force which has been passed in exercise of such power, or prevent any such legislature or government from treating differently different classes of British subjects." I am pointing out to you that you are

proposing a distinction in the case of India as compared with other parts of the Empire. In paragraph 8, you propose that the Act of Constitution should be so drafted as to make the safeguards against legislative discrimination completely watertight. I am sure you are aware that the question of commercial discrimination was considered by the Simon Commission, whose conclusions are given on page 129 of volume 2 of their Report. It may be noted that the representation of the European Association and the Associated Chambers of Commerce who appeared before the Commission was that safeguards should be provided against legislation which discriminated against particular sections of the community in matters of taxation, trade or commerce. The view, however, of the Commission was that it was not feasible to prevent discriminatory legislation by attempting to define it in a constitutional instrument.

Earl of Derby.] I do not want to be disrespectful, but really in a Committee like this we ought to confine ourselves to question and answer. A most interesting statement has been made now, and if that were submitted for our consideration, well and good, but I hope Sir Phiroze will not think me disrespectful. I should say at a time like this we want the question to be put and the answer to be given definitely and clearly.

Sir Phiroze Sethna.

12,129. With all respect to Lord Derby, the question which I want to put after having read this out to the witness is whether he still persists in the proposal that he has made in paragraph 8 to which I have referred. I was just coming to the question and I could not put the question before I read out what I have read?—Yes, I do persist in it.

12,130. In spite of that?—Yes.

12,131 The second part of paragraph 7 deals with shipping, and the Coastal Reservation Bill. The Coastal Reservation Bill, as you may be aware, was due to provocation caused by a certain large shipping company. In regard to that, you may be aware that there was very considerable opposition from the English Press in India, and the most serious objection was taken by the "Statesman," one of the leading papers in India. It will interest Sir Alan to know that the editor of that paper, Sir Alfred Watson, now in this country, in his



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evidence before this Committee in answer to Q. 4538, observed that, but perhaps the Committee will allow me to refer to the Indian Coastal Reservation Bill which is an outstanding example of an attempt by Indians at commercial discrimination and has occupied a great part of the controversy there. "I am bound to say, speaking as a European, that the Indians have a case for a large share in their coastal shipping, and although I opposed the Bill very strongly because it savoured of expropriation, I recognise that Indian Company after Company which endeavoured to develop a coastal service has been financially shattered by the heavy combination of the British interests. In view of this, would you not agree to the Government giving some relief to Indian Shipping Companies?—No. The reference to the Coastal Reservation Bill was a second example of the intention to discriminate. The real danger there was that India might wish to discriminate. That is the reason for referring it.

12,132. If it had paid sufficient compensation to the company concerned, would you still object?—The competition between the existing companies and the new company had not as far as I am aware anything whatever to do with their nationality. That competition would have existed if a British company had tried to force its way into that trade. It is part of the ordinary economic struggle which always obtains. Therefore, I do not see that the different nationality of the owners of those companies entered into the thing at all.

12,133. I take it that you would like to leave the coastal shipping open to all foreigners?—Yes; that is our rule here and that is the rule for this country which British shipowners have constantly supported.

12,134. Is it the rule of this country in regard to their possessions elsewhere, India included?—We do not make the rule for most of those possessions; in Australia, for example, we do not make the rule.

12,135. Is it not the fact that powerful British shipping interests felt the competition of Japanese shipping on the coast of India, and made representation after the war for excluding the non-British shipping from the Indian coast? Thus the report of the Board of Trade Committee on Shipping and Shipbuilding Industries after the war stated in paragraph 314 as follows—the heading is:

"The Indian Coasting Trade." "There is, however, a strong feeling among certain of our Eastern lines that this trade should in future be reserved for British ships. We understand that already before the war the Japanese lines strove to force their way into the coasting trade by a policy of rate cutting in which they were directly assisted by the heavy subsidies paid to them by their Government. Inasmuch as the coasting trade is everywhere regarded as a domestic trade, the action of the Japanese undoubtedly caused resentment, more especially as the coasting trade of Japan is closed to foreign shipping."

Lord Hardinge of Penshurst.] My Lord Chairman, is it necessary to have these long dissertations read out to us? What we want is question and answer.

Sir Phiroze Sethna.] Quite true, but I cannot get an answer unless I put the facts. I have said my question is whether the British have not objected to other foreign powers trading on the coast of India. I cannot do that unless I quote chapter and verse for it.

Lord Hardinge of Penshurst.] I think it is quite unnecessary to quote chapter and verse, in my humble opinion.

Sir Phiroze Sethna.] I am meeting the reply from Sir Alan that they would not object. I want to show here that they have objected.

Earl of Derby.] Sir Alan has answered I do not see that we can go back upon it.

Sir Phiroze Sethna.

12,136. Sir Alan is one of the leading shipping men in this country?—May I answer the question? I see the point perfectly well. I am not aware that British shipping interests have sought to close the trade on the coast of India. It is possible they did; it frequently occurs; shipping interests are constantly seeking to limit competition in various trades. There is at the present moment quite a strong party in the British shipping trade which desires to close the coasting trade of Great Britain. They are not the majority. The majority of shipowners hold the contrary opinion. Therefore, the fact that certain shipowners sought to close the trade on the coast of India some years ago does not seem to me to affect the question.

Sir John Wardlaw-Milne.

12,137. Will Sir Phiroze allow me to ask a supplementary question in connection with that which he has just put

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to the witness? Is the witness aware that the representations which have been referred to by Sir Phiroze Sethna were based upon the fact that the coasting trade of India, or the ships trading to India, whether British or Indian, paid Indian tax and benefited the Indian revenues, whereas foreign shipping did not?—No, I am not aware of that

*Sir Phiroze Sethna.*

12,138. In regard to subsidies, I think you said this country would not like to give subsidies, in answer to Sir Abdur Rahim? May I know your view on the question of subsidies to shipping companies?—This country gives subsidies for services rendered. They are supposed to have relation to the economic value of the services. They are extremely small in relation to the mercantile marine and the subsidies given by other Powers. Our objection is not to subsidies flat, without qualification, partly because we do it ourselves, partly because almost every other nation has done it in certain instances. Our objection, and the objection is shared by the mercantile marine almost in the whole world, is against the extension of that practice to such a point that it disturbs the ordinary rules of commerce, and, therefore, we have qualified the word "subsidies" in our objection with the word "uneconomic" It is a sort of code word, it means subsidies when they are carried too far. It is a matter of judgment.

12,139. On page 24, Sir Alan, there is the following sentence "Nothing in British law and practice prevents an Indian shipping company with Indian directors and staff setting up an office in London and operating round the coast of Great Britain." That sounds very well on paper, but will you not agree with me when I say that this is absolutely out of the question because of the conditions prevailing? In the first place, larger organisations would immediately start a rate war, but more than all the new company would not get a footing in the trade organisation, and for that I may refer you to the instance of one shipping company which had to wait for years, I think until 1929, when it could get admission into the Baltic. It might be said that there is nothing in the rules of this trade organisation to prevent the admission of Indian companies, but in practice it so happens that admission is not possible because you cannot find a

proposer or seconder. That, I say, is a very important reason why this argument which you advance will not hold good in the case of Indians who will start companies in this country?—The difficulty in starting a new line in competition to established line is not, I believe, materially increased, because you happen to be of Indian nationality. The difficulty is that the existing lines behave precisely like people who are in a railway carriage and they think it is full and they try to keep out the newcomer. It does not matter who the newcomer is—they try to keep him out. It is therefore perfectly true that any new shipowner trying to force his way into a trade which has a conference and is established, will find great difficulties, but not I think materially more because he is an Indian. As to the Baltic, I am not aware of the exact rules appertaining to members of the Baltic, but after all most shipowners employ a broker to go into the Baltic. It is the easiest thing in the world to get all the use you want out of the Baltic even if you are not yourself a member.

12,140. It does make a difference if you are a member, however, I will not pursue that point. Just one last question on the question of municipalities. I know a question was put to you from the other side, but I do not know exactly what you would like the municipalities to do in the matter of not discriminating. Do you mean that a municipality should not lay down that it should buy Indian locally made goods in preference to others, British or foreign?—No, I would consider that that was the same as a high tariff.

12,141. I am not talking of the tariff?—I understand you are not talking of the tariff, but supposing a municipality decides that it will buy no stores for its own consumption except those manufactured within its own borders, it is open to any British company to manufacture within its borders. There is no discrimination in that. It is equivalent to a prohibitive tariff against the rest of the world. That is the same as a tariff by a country.

12,142. But you would not insist on that municipality buying for preference British goods if it can get the same goods locally made?—No; in my view it can stipulate that the goods must be locally made. If it stipulates that they must be made by an Indian and must not be made by a British company, then

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it gets into what I describe as discrimination.

Mr. M. R. Jayaker.

12,143. May I take it that your position, or the position of the commercial bodies whom you represent, is briefly stated in paragraph 6 of your Memorandum under the heading, "Safeguards against Discrimination" the main principles. I will just read that short paragraph. "It is recognised that India must be free to regulate her business, property laws, and laws of residence and travel as her needs demand. What is essential to provide is not that British subjects and companies should be exempt from such regulations, but that they should be exempt from differential regulations." That is the main principle on which your Memorandum is proceeding?—That is our point.

12,144. In other words (correct me if I am wrong) your fear is that in future India will pass legislation spitefully or unfairly discriminating against citizens of the United Kingdom?—Yes.

12,145. You have no objection if India passes rules or laws with the view of promoting its own industries if, in the working of those rules or laws, they affected more adversely British trade than Indian trade?—I have no objection, subject to these administrative points.

12,146. What you object to are laws like those that citizens of the United Kingdom shall not do certain things or shall not offer a certain tender. That is discriminating on the ground that he is a Britisher. That is what you object to?—Yes.

12,147. You would not object to laws which are regarded as necessary for the promotion of Indian trade and industry, provided no such discrimination were made against the British?—We regard India as free to regulate her business.

12,148. Take the question of the municipalities to which my friend Sir Phiroze referred a few moments ago. You were good enough to agree that if the municipality passed a resolution that its stores should be such as were manufactured within its own territory, or its own domain, you had no objection. I am pursuing that a little further. Supposing the municipality wanted to purchase cloth for the livery of its servants, and there were two companies, one British and one Indian, both trading in that particular kind of cloth (I am

only taking a hypothetical case) supposing the municipality decided to purchase the cloth from the Indian company would you call that discriminating?—Yes.

Sir Austen Chamberlain.] May I ask Mr. Jayaker whether he means that in both cases the cloth is made in India?

Mr. M. R. Jayaker.] I am assuming that in both cases the cloth is made in India.

Earl of Derby.] And the price is the same?

Mr. M. R. Jayaker.

12,149. And the price is the same?—I should say that would be discriminating.

12,150. I only want to know how far your doctrine goes?—That is my view.

12,151. You say it would be discrimination?—Yes.

12,152. Supposing the municipality of Bombay decided to purchase its stationery from an Indian stationery firm without mentioning the British, and supposing it had a contract of 25,000 rupees a month to give, if it decided to purchase the stationery from the Indian firm, would you call that discrimination?—Yes.

12,153. What would you suggest, that it should divide its patronage?—Yes, to give a fair share to both.

12,154. If it did not you would call that discrimination?—If it concentrated its business on the Indian firm.

12,155. Not an isolated act?—No. Occasionally the order would go to the Indian firm, and occasionally to the British firm, if there was no discrimination.

12,156. As far as I can gather what you are objecting to is a course of behaviour which shows a spiteful intent to ruin British trade?—I would not necessarily call it spiteful. It might be from very patriotic or nationalist intentions.

12,157. Spiteful from the British point of view, if I may say so?—It is your word, but I say—

12,158. I mean intended to run down the British firm, or the British trade?—Yes, not holding the scales level.

12,159. But what would you say to this: That instead of having watertight rules, as you say in one part of your Memorandum—you remember that?—Yes.

12,160. I think it is in paragraph 8 that you say "that the Act of Constitution would be so drafted as to make the

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safeguards against legislative discrimination completely watertight," and, having further regard to your admission that it is so difficult to regulate discrimination in administrative acts, do not you think that safety lies, from your point of view, in leaving the matter a little fluid in the hands of the Governor-General and the Government so that adjustments or a friendly character might be arrived at, such as, for instance, that pointed out to you by Sir Abdur Rahim, of the Japanese, the Indians and the British talking over the textile question, or the agreement recently arrived at between the Scindia Steam Navigation Company and the British India Steam Navigation Company. Having regard to the way the law could be evaded, as you yourself admit, do not you think it would be better to leave it in the hands of the authorities rather than to have rules which could be evaded every day?—It seems to us that the safeguards against legislative discrimination should be watertight.

12,161. They are, as you say?—Our view is that the safeguards against legislative discrimination should be watertight. I agree that there is a large field of administrative action for which you cannot lay down hard and fast rules. I agree it is the part of wise men to get together as quickly as they can. Our men in the cotton trade out there now are a very good example of that. Let us hope they will go on doing it. Our view is that we should try to avoid these discriminations which would, in our view, be very detrimental to both nations.

12,162. Is it not better that the principle of no racial discrimination should be accepted, and that the working out of that principle should be left to the growth of a Convention between the representatives of the two countries? Accepting the principle that no racial discrimination is allowed, the working out of that principle should be left to the growth of a Convention, and to arrangements between the two countries?—We thought, and I still think, that so far as the law can go, it should be perfectly clear and watertight, and it seemed to us to put a very nasty discretion on the Governor-General unless discrimination is clearly ultra vires.

Sir Hari Singh Gour.

12,163. Do not you think a too rigid statement of the law would have a reper-

cussion in the country and create resentment which might otherwise be obviated by a friendly intercourse between the two countries?—I should not have thought so on this matter. This excludes from the authority of the Indian State a certain act called discrimination. I do not think there is anything derogatory in putting that power away from you.

12,164. The Indians will look at the Constitution of South Africa, Australia and Canada, and say that because they happen to be white men's countries Parliament has given them larger rights than they have given to British India?—I am afraid I am not a constitutional authority, but, I believe, if you look back you will find that all these self-governing Dominions have passed through various stages in which various powers were given to them. It may be that some of them had powers rather too quickly and made mistakes and hurt themselves, but, with the extra powers being given to India now (and we commercial people are wholly on the side of this progress in liberal self-government), it seems to us that, just as certain apples were once forbidden, here is a thing which ought to be forbidden, and that both sides ought to realise that discrimination between the two races is a very dangerous and bad weapon which ought not to be used.

Mr. M. R. Jayaker.

12,165. May I put to you a paragraph from a Report by the late Mr. Montagu and Lord Chelmsford. I do not wish to tire the Committee, it is quite a short paragraph. Do you agree with this view? "Clearly it is the duty of British commerce in India to identify itself with the interests of India, which are higher than the interests of any community, to take part in political life; to use its considerable wealth and opportunities to commend itself to India, and having demonstrated both its value and its good intentions, to be content to rest like other industries on the new foundation of government in the wishes of the people. No less is it the duty of Indian politicians to respect the expectations which have been implicitly held out, to remember how India has profited by commercial development which only British capital and enterprise achieved; to bethink themselves that though the capital invested in private enterprises was not borrowed under any assurance that the existing form of government would

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endure, yet the favourable terms on which money was obtained for India's development were undoubtedly affected by the fact of British rule; and to abstain" (this is the most material thing I should like to invite your attention to) "from advocating differential treatment aimed not so much at promoting Indian as at injuring British commerce" Might I say that your sentiments are very nearly those—Who had to abstain?

12,166. The Indian had to abstain.—I think that is our view.

12,167. The kind of discrimination which you think should not be allowed is that discrimination which is intended not so much to promote Indian interests as injuring British interests. Is not that your attitude in the whole of this memorandum?—Yes, I think so, but we have tried to indicate that in promoting Indian industry, in our view the Government must give an equal chance to the various firms located there whether they happen to be Indian or British, and there is a distinction made sometimes in the use of the word "Indian." That paragraph might be interpreted in two ways.

12,168. It means native Indians?—We would say if the Government of India desires to have industry located in India, doing its work in India, it is perfectly entitled to do it, but it ought to give an equal chance to all the firms engaged in that business.

12,169. I quite follow that principle. Supposing the British interests had entrenched themselves in India (the motor trade say) with a very strong commercial side in a very strong position, and, supposing the Government of India decide that in future the motor trade should start in India, it may be because a war was imminent with Afghanistan or with some other country, and they decided that the industry in motor cars and aeroplanes, in which the British company had entrenched themselves for, say, 100 years, or 50 years, should be developed, would you prevent the Indian Government from subsidising its own industry, having regard to those conditions? There is no equality at all. There is a strong British industry established there and entrenched for 50 years. The Indian Government wish to develop the motor trade having regard to the contingency of a war. Would you prevent the Indian Government subsidising its own industry in such circumstances?—Certainly our evidence would condemn that. We should say it

would be discrimination. It would be for the Indian Government to make a special case for that. If they had agreed that discrimination is bad, that is condemned. That is discrimination definitely. Can you make some piece of discrimination white? That is the question, is it not?

12,170. What you complain of is unfair discrimination. Is this discrimination unfair?—I have not said "unfair." I have said "discrimination."

12,171. In one or two places in your Memorandum you have suggested that what you were afraid of is unfair discrimination?—No, discrimination is what we are afraid of, and what we wish to avoid. If the Indian Government, contemplating doing this sort of thing, came and consulted me I would say, "Why are you afraid of employing this British factory? All the men in it will be your men. It will be exactly the same from the point of view of national security as the other factory you propose to set up. Why alienate all this industry which is doing exactly the kind of work you want? It is a mistake." That is what we would say.

12,172. Are not there industries in the United Kingdom in which the policy of the State is to subsidise those industries which are called key industries?—Located in Great Britain, but not, I think, with only British capital.

[Marquess of Reading.] I understood Mr. Jayaker to be putting a question on the policy of India subsidising its own nationals, so that is really a distinction between Indian and British

Mr. M. R. Jayaker.

12,173. I am only pointing out that discrimination has to be unfair before it is stopped. Would you call the case I put to you a case of unfair discrimination?—I call it discrimination.

12,174. You would penalise all discrimination?—Yes.

12,175. Fair or unfair?—Yes.

Mr. M. R. Jayaker.] Although it was intended for the purpose of developing India's nascent industries, infant industries, key industries?

Sir Austen Chamberlain.] When Mr. Jayaker speaks of key industries, nascent industries and infant industries, he means a non-existent industry?

Mr. M. R. Jayaker.] Yes.

Sir Austen Chamberlain.

12,176. What I understand Sir Alan to reply is, "I have no objection to the

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Indian Government subsidising such an industry, or confining the purchase to goods made locally in India, provided there is no discrimination on the ground of race between the firms by whom those goods are manufactured, or from whom they are purchased"—Yes, that is right.

Sir Austen Chamberlain.] But, Mr Jayaker, if I understand his question aright, suggests that it is necessary to Indian defence not that the things should be manufactured in India, but that they should be manufactured in India by Indians exclusively I do not follow the argument.

Mr. M. R. Jayaker ] Supposing an industry was started in India by an Indian, and there was already a very strong combination of British interests pursuing the same industry

Sir Austen Chamberlain From outside India?

Mr M. R. Jayaker.] No, in India, established in India; and supposing, having regard to certain contingencies, like war and others, the Indian Government of the future decide to give a subsidy to the motor industry on the ground that it was just beginning to raise its head, would you call that unfair discrimination?

Earl of Dery ] It is not a new industry

Marquess of Reading ] I find myself confused by the question, because I understood your point to be in both cases not subsidising the industry merely, but subsidising Indian nationals in the industry

Mr. M. R. Jayaker ] Subsidising the activities of a new company started by Indians.

Marquess of Reading.] That is to say, you may have a motor industry conducted by British people in India, but, when you talk of a nascent industry, you mean an industry which is to be started by Indians in India for the purpose of manufacturing the same goods, and you want to subsidise the Indians in starting an industry which may be able to compete with the same industry which has been established by British people in India.

Mr M R Jayaker.

12,177 Yes. There may be some contingency like a war?—I should certainly call that discrimination. It is a good example of it.

Sir Austen Chamberlain.] Perhaps I may be permitted to say that I am in

the same difficulty as Lord Reading I cannot follow the question Mr. Jayaker concluded his last question by saying: "Supposing the Indian Government felt it necessary as a matter of defence." How can it be of importance to defence? I can understand how it can be of importance that the goods should be manufactured in India, and liable to no interruption in transport, but how can it be of importance that they should be manufactured by one man in India rather than another?

Mr M R Jayaker ] I can conceive it as a possibility that the Government might think that Indians can be relied upon better in times of stress and trouble than a non-Indian?

Sir Austen Chamberlain ] Than an Englishman

Mr. M R Jayaker ] Than an Englishman.

Sir Austen Chamberlain ] Do I understand the question to be that you want in such a case the right to discriminate in favour of the Indian and against the Englishman?

Mr. M. R. Jayaker ] It is not in favour of the Indian as such. I am pointing out one of the exceptional cases in which an Indian Government may decide to subsidise a branch of industry which is in Indian hands

Earl of Derby.] Which is in competition with a British firm?

Mr M R. Jayaker ] It cannot be in competition, because the British rival is so powerful

Sir Austen Chamberlain ] A subsidy is given in order to enable it to compete with another branch of the same industry which is in India

Mr M R Jayaker ] But the British branch is so powerful

Sir Austen Chamberlain ] Is there any doubt that that would be discrimination?

Mr M R Jayaker.

12,178. What is Sir Alan's opinion about it?—It appears to me to be a very good example of discrimination.

12,179. In paragraph 11 (A) you refer to Proposal 122. Are you aware that that proposal applies not only to residents of the United Kingdom, but to all British subjects from whatever part of the British Empire. Proposal 122, as it is worded, applies to every British subject, including the British subject in New Zealand, Australia and South Africa. Are you aware of that, Sir Alan?—Yes As I said I am briefed to

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speak for the British—the United Kingdom

12,180. Therefore you are not against India having the right to adjust her relations with other parts of the British Empire, just as her self-respect would demand?—I have no right to express any opinion about that.

12,181. I was only asking because you said that Proposal 122 should be extended to cover “continuity of residence.” You would not desire that that should be insisted upon? Would you give a New Zealander who came to India eight days ago the same rights as you would give a British firm which came to India 50 years ago?—My Lord Chairman, I am afraid I am being asked to go beyond my brief. I am only entitled to speak for the commerce of the United Kingdom.

Mr. M. R. Jayaker.] I am only asking you upon the proposal you put upon paper.

Earl Winterton.] I do venture to suggest that that is rather an important point. As Sir Alan is aware, and ex-Viceroy present are also aware, this question is constantly coming up, and I hope Sir Alan will be permitted to say a word about it. I do hope Sir Alan will discriminate in giving his evidence, if I may say so, and will not use the words “British subjects” as applying to South Africa, Australia or New Zealand. The two things are quite different. Can it not be made clear in some way in the Memorandum that he is only speaking on behalf of British subjects in this country? It is a very important distinction for reasons which it would be wrong of me to go into now.

Witness.] It is certainly the fact.

Mr. M. R. Jayaker.] If Sir Alan will say that his comments relate to British subjects in the United Kingdom I will not pursue it any further.

Chairman.

12,182. I understand you do say so, Sir Alan?—I do.

Mr. M. R. Jayaker.

12,183. Then at page 9 I understand that what you say (correct me if I am wrong) is that adopting bounties and subsidies has proved unsound?—It has been carried much too far.

12,184. But you are not against a commercially backward country like India giving bounties up to a certain point?—It is within the discretion of every country, I think; it must be left there.

Mr. M. R. Jayaker.] To pursue that point once more, at page 12, paragraph 2 (a), you are against any restrictions about the composition of Boards of Directors, I understand. May I just ask your attention, Sir Alan, to this, that the conditions which are mentioned in the proposals are taken from the Report of a Committee appointed by the Government of India in 1925 on which members of the Government of India, a commerce member and a finance member, and other Britishers served along with British Indians, and one of the recommendations they made was this—I will just read the recommendation; it is a short one “Where definite pecuniary assistance, such as a bounty, is granted to any particular undertaking, we consider that discrimination is feasible, and we agree with the Fiscal Commission and the Legislature that no such assistance should be granted to any company, firm or person not already engaged in that industry in India unless (I) reasonable facilities are granted for the training of Indians, and (II) in the case of a public company unless (i) it has been formed and registered under the Indian Companies Act, 1913, (ii) it has a share capital the amount of which is expressed in the memorandum of association in rupees, (iii) such proportion of the directors as Government may prescribe consists of Indians.” May I tell you that this has been the policy of the Government of India for the last eight or nine years. It has found expression in the report of a Committee of which important Britishers, including members of the Government, were members, and this is at present the policy which the Government of India pursues. Would you say that it should all be gone back upon under the new Government?

Sir Hari Singh Gour.] Sir Alan has admitted that. I quoted that very passage.

Mr. M. R. Jayaker.

12,185. Let Sir Alan reply?—Our view is that it is most undesirable in principle that there should be any outside interference in the composition of Boards of Directors. We all feel that, the less interference there is the better. Then we say “It is therefore submitted that the provision for Government approval of the composition or of the conditions of composition of such Boards should be omitted from the Act. Failing this it is suggested that the power to



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impose conditions as to the composition of the Board of Directors be limited to a condition requiring that a proportion—say one-third—of the Directors shall be persons of Indian race and domicile." I think that expresses our views as clearly as I can

12,186 May I take it that you are not against that?—We are against it We ask first of all that it should not be done. If it is done we ask that it should be done to a limited extent

12,187 But you would not wish the future Government of India to forfeit certain rights which they are enjoying at the present moment?—What we mean is that it would be an unwise policy for the Government.

12,188 Then, coming to page 13, you are speaking of professional men practising in India. I suppose that would be on the principle of reciprocity. You would agree to that, would you not? You say "British professional men practising in India." It must be on the fair basis that professional men are allowed to practise in India on the same basis as Indians here?—I am afraid that you have got me off my beat there. I do not know what the exact rules about doctors, for example, are. What we are suggesting is that the British qualification should be accepted in India, and you say, "Is that reciprocal? Would the Indian qualification be accepted in Great Britain?" I am afraid I cannot answer you at all

12,189 What would be a fair arrangement according to you?—I think ultimately you would try to have the same qualification in both places. The nearer we could get together the better. We were thinking largely of ships' officers and so on.

12,190. That is to say that British qualifications should be recognised in India?—Yes

12,191 But supposing you applied that to all of the professions—take lawyers for instance. If British qualifications are to be accepted for allowing a lawyer to practise in India, do you not think that Indian legal degrees should be accepted in England too?—I am afraid there you have me beyond my brief too. Lawyers are not part of my constituents.

12,192 Now you say that it would be wrong for India to insist upon her own qualifications in laying down some conditions for registration. Are you aware that only about a fortnight ago the Australian Government in inviting

tenders for their Airship Service which they are just commencing to run insisted on all the pilots to be employed on these airships holding Australian qualifications?—No, I was not aware of that

12,193 It was published in the newspapers here, and the Australian Government said that in the case of all those companies who were to ply their airships between Australia and other countries all the pilots, engineers and wireless people, if they wanted Australian support and subsidy, must have men who have qualified themselves according to Australian tests. What would you say to that if India had such a test? Would you call it discrimination?—I think if the test were open to British as well as to Indian people and was not so arranged as to shut out the British people, then it would not be discrimination. I think it would be quite within the power of India to say, "We desire to satisfy ourselves that our Air Service is conducted safely, and these are our tests"

Lieut.-Col. Sir H. Gidney

12,194 My Lord Chairman, I want to ask a few questions of Sir Alan. Sir Alan, would I be right if in a sentence I said that the two underlying points in your Memorandum are (1) safeguarding and (2) discrimination?—Safeguards against discrimination, yes

12,195. In your Memorandum you have asked for an additional safeguard. Do I gather from that that you consider the safeguards in the White Paper are not adequate?—Yes

12,196 Then you say on page 3 (6) of your Memorandum that it would be unfair and impracticable to put the onus of this duty upon the Governor-General and the Governors?—Yes

12,197 If you will refer to page 6 of your Memorandum, in which, after quoting the speeches of Mr. Baldwin and the Lord Chancellor, you want safeguards as are stated in these two speeches—you would be satisfied with them?—Yes

12,198. May I refer you to the White Paper, page 41, paragraph 18 (e), which gives special responsibilities to the Governor-General regarding commercial discrimination?—Yes

12,199 I also refer you to page 55, paragraph 70 (d), which gives the Governors the same power of special responsibilities?—Yes

12,200 I take it that you are quite familiar with paragraphs 122, 123 and 124 of the White Paper?—Yes.

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12,201. Do you or do you not think that in these paragraphs of the White Paper the same protection is given to the prevention of commercial discrimination as is embodied in the two speeches you have quoted and which you are prepared to accept? Is there any difference in fact or in substance?—We thought there was a difference and we tried to point out what we thought was the difference in this evidence

12,202. Will you tell the Committee exactly what in your opinion is the difference?—It appears in the evidence. The objection to putting the burden upon the Governor-General and the Governors we have stated on page 3. The comments we have to make about paragraphs 122 and so on appear on pages 7, 8 and 9.

12,203. In other words, do you mean to imply or do you fear that the future Federal Government would be so constituted and so administered that the Viceroy is likely to be influenced by the political pressure of his Ministers?—I do not know that I have to make any opinion upon that. I think the Governor-General is placed in a very invidious position when he has to take this action, and, in our view, it would be better that the Constitution should make the action which we hope will be avoided illegal.

12,204. Then, further on, entertaining this fear, you suggest on page 14 of your Memorandum that in cases of commercial discrimination there should be appeals and a Court of Inquiry established?—Yes.

12,205. Do you mean by that that in all cases of commercial discrimination you would prefer that they be made justiciable and appealable to the Federal Court or to some other Court, or a special *ad hoc* Committee of inquiry?—If the discrimination is administrative and is not prevented by an Act, they can apply for an inquiry. If it is illegal and contrary to an Act, they must go to the Courts and they must go to the proper Court defined in the Act.

12,206. On page 7 of your Memorandum, in commenting upon paragraph 122 of the White Paper, will you tell the Committee exactly what value you place upon language, citizenship, domicile, etc., in the paragraph? I take it you want them included in paragraph 122 of the White Paper?—These are all of them possible reasons for discriminat-

ing. The domicile of the Company is a very obvious reason, in fact, all of them are possible reasons. All we are trying to do is to make the words convey the meaning of those speeches we have quoted.

12,207. Then what exactly do you think is the difference between the civic rights and is the status of the Indian and the European in India to necessitate its incorporation in paragraph 122?—I do not see the words

12,208. They are in paragraph 8 (2), page 7, of your Memorandum—status and civic rights?—We mean that to include everything. We think the words in respect of taxation and so on are too limited. That is the meaning of that phrase

12,209. Now with regard to municipalities, certain questions have been asked you regarding the ordering of certain goods by municipalities. Are you aware of the case in Calcutta when the Calcutta Corporation made in practice a very invidious distinction and in which they refused to accept British goods and ordered that German goods were to be accepted in the shape of gas mantles for their lights?—No

12,210. That was so and that was certainly a discrimination. Now I want to ask you about the Professions. You are aware that in England you have a Board of Trade controlling a standardised examination for your ships' officers?—Yes

12,211. And you are aware that no shipping company will accept anyone in its employ as an officer unless he possesses a certificate?—Yes

12,212. You are also aware, I think, that this is demanded in India?—Yes

12,213. And I may tell you that every Presidency in India has its own standard of such examinations which does not quite come up to the Board of Trade, and that no one who does not qualify for that standard is eligible for employment in their ships?—I am afraid I cannot answer that, I do not know about it.

12,214. In this connection would you be in favour of something similar to the Indian Medical Council Bill, which is based on reciprocity, being established in India regarding the employment of A.I. Indian officers and engineers on your ships?—I do not know the Indian Medical Council Bill.

12,215. The Indian Medical Council Bill has just been passed, and it is based

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mainly upon reciprocity. You would be in favour of reciprocity, would you not?—I should be in favour of reciprocity, and I think it would be a great help if we could have the men passed to the same tests in these different parts of the British Dominions, and then you could exchange.

12,216 If an Indian obtains an English Board of Trade certificate, does a British shipping company employ him as an officer?—I cannot tell you I do not know whether there are Indian officers.

12,217. I ask you that because we have talked a lot about discrimination, and I might tell you that there is no British shipping company I know of that will accept anyone but a Britisher as an officer on its ships coming to England or going to India or Australia. Would you class that as real discrimination?—No, I do not think so I should suppose it was selection I think they imagine they get better service from those men. They employ Indians in many functions I am not aware about the actual staffing of the ships I have no ships in that part of the world myself, and I am not aware whether there are any such officers, but I do not think their reason for not employing them is because they are Indian, it is because they think they get better service from these other men whom they do employ.

12,218 Although the man passes the same examination in England?—You do not pick a man because of the examination he has passed.

Mr M R. Jayaker

12,219 It is very easy to cloak discrimination under that formula?—Yes, I agree it is very easy.

Sir John Wardlaw-Milne.

12,220 Do I understand that the Witness is accepting the statement that no British shipowner employs an Indian in officer's rank?—No, I am saying I do not know.

12,221. You are not accepting that statement?—No, I simply do not know.

Mr. N. M. Joshi.

12,222 May I ask one or two questions? You state, Sir Alan, that you are speaking here from the point of view of business people and not as a politician. May I ask, therefore, your opinion, whether as a business man you think that the British trade and commerce in India will prosper more by constitutional

restrictions than by the good will of the people of India?—Undoubtedly the most important thing you can have is the good will of the people you are trading with.

12,223 Do you not think that by telling Indians to their faces day after day that you have no confidence in them and putting in the Constitution restrictions showing that want of confidence there is a danger of your losing the good will of the Indian people?—I should not have thought so I should say that this was a large extension of confidence and that it was very wise to draw a line short of things which you knew would undermine confidence on both sides and be bad for trade.

12,224. Then I will ask you another question. You stated only a few minutes ago that you feared that there would be some kind of administrative discrimination against British companies in India in ports if the administration of the ports passed into the hands of Indians. You said that that may happen in the case of allocating berths in the docks?—No, I stated that that was the way in which administrative discrimination could be applied in the ports.

12,225. That may take place?—Yes, it may take place.

12,226. And it may take place because the administrators happen to be Indians?—I did not say that, but it might, of course.

12,227. You did not say that, but that is the implication. May I ask you now who are the present administrators of these chief Indian ports—Indians or Britishers? Have you any information upon that point?—I believe the larger ones are port trusts, but how exactly the port trusts are constituted I cannot tell you. I can easily get the information for you I think there is voting power to the users.

12,228 Before I put my next question, I give you this information, that most of the controlling authorities in Indian important ports are Britishers. Now after I have given that information to you, may I ask you what protection the Indian shipping companies have had so far in this matter? Do Indian shipping companies complain that simply because the administrators happen to be Europeans there was this discrimination against them?—No. As far as I am aware, there has been no discrimination and no complaint of it.

12,229 May I ask you why you complain of the administration of Indian

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administrators<sup>2</sup>—I have not done so. I have suggested that discrimination should be abjured—that there should not be discrimination. I have not said that Indian administrators would discriminate in the ports, but I have said that the ports could be used very readily for that purpose, and I have given reasons in my evidence for thinking it necessary to abjure this power of discrimination.

12,230. But if it is not on racial grounds that you fear discrimination, may I ask on what grounds you fear discrimination on account of the new constitutional proposals?—You will get the grounds stated in these statements by various important Indian people and in some of the questions of your colleagues to-day.

12,231. I will leave that point and I will ask you another question with regard to ports. You ask that previous sanction of the Governor-General should be necessary for changing or amending the present Port Trust Acts. Now if it is the present position that most of these Port Trusts are at present dominated by British interests, if the Indians desire that as they are asking for self-government in political organisations there should be self-government in port administration, how can that be done? Is it not legitimate for the Indians to expect to get these ports into their own hands?—I think the major ports are all of them in the hands of Port Trusts.

12,232. Which are at present dominated by Britishers?—Which are, I think, dominated by the people who use them—the traders. Exactly what their franchise is I cannot tell you. But it seems to me it is worked very well. I do not think there is any discrimination.

12,233. It is true it has worked very well from the British point of view, but it has kept out Indians?—With great respect, I have never heard any complaint about discrimination against Indians, and I should have thought it most improbable.

Sir John Wardlaw-Milne.] I do hope the Witness will make it clear that he is not accepting the statement that the constitution of the present Port Trusts in India is largely British or excludes Indians in any way.

Mr. N. M. Joshi.] I say they are dominated by Britishers.

Sir John Wardlaw-Milne.] I challenge that statement.

Lord Eustace Percy.] My Lord Chairman, is it desirable that we should have

statements of facts made by members of the Committee and have no opportunity to challenge them at all?

Mr N. M. Joshi.] I am quite prepared to have the statement challenged.

Earl Winterton.] May I put a further point, and it is this. What is the practical effect of asking a question of a witness when he repeatedly says he cannot answer it? The witness has previously said he is not in a position to answer it because he has not got the knowledge necessary to give the answer.

Lord Snell.] Was not Mr. Joshi trying to help Sir Alan by giving him what he thought was correct information, and then asking him a question?

Mr Hari Singh Gour.

12,234. He was trying to jog his memory?—You cannot jog my memory, because I have never known.

Mr. N. M. Joshi.

12,235. There are certain industries in India such as the coastal shipping industry which at present are largely in the hands of Britishers. I hope the fact will not be challenged at least in this matter. Do you agree with the fact in the first place?—That most of the coast lines in India are British-owned?

12,236. Yes?—I believe that is true.

12,237. Now I want you to help us. We are desirous that Indians should have an entrance in this line. How would you advise us to get an entrance into this line?—It is scarcely part of my evidence, and if you come to me in my office in the City, I would be delighted to talk to you about it, if you are a shipowner seeking entrance; but it is a matter of ordinary commercial competition.

12,238. Then I will ask you one or two questions on page 7 of your memorandum. You said there that Section 122 is not quite enough for your purpose. Section 122 makes discriminatory legislation as regards any "profession, trade, business or occupation, or the employment of any servants or agents, or in respect of residence or travel within the boundaries of the Federation" null and void. It takes away the power of the Indian Legislature as regards discrimination—"discrimination based upon his religion, descent, caste, colour or place of birth." You want now this latter list to be extended by adding the words "language, citizenship, domicile, and

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place, duration or continuity of residence" Not only that, but you want this section to be extended not to the trades and other purposes mentioned, but to the whole range of the status and civil rights That is what you state Now the question which I want to ask you is this you do not want any legislation making discrimination on the ground of language, on the ground of continuity of residence, in the matter of the status and civil rights If I give you an instance of legislation which is likely to be passed, suppose a provincial legislature passes legislation as regards the constitution of a municipality, stating that any person who resides within the boundaries of a municipality for one year will have a right of vote and no others, do you think this is discrimination on the ground of continuity of residence?—No The vote is contingent on a term of residence. Is that it?

12,239 Yes?—I would not say.

12,240. You say no discrimination on the ground of continuity of residence?—No, I would not say that.

12,241 May I take it that you withdraw it?—No, I do not follow your suggestion, but I do not think it covers your point.

12,242 Then how can legislation be passed if we accept your suggestion?—My suggestion as to give a more accurate interpretation of the meaning We do not think that these words that are in the clause already cover the idea

12,243 Then I will ask you another question about language. It is quite desirable, or at least some governments may consider it to be desirable, that the police in any city should have a knowledge of the language of that city, and if legislation is passed that nobody who does not understand the language of that city should be given a post in the police of that city Will that be a discrimination on the ground of language?—No, I should not have said so

12,244. If our clause is worded according to your suggestion it will come quickly to difficulty?—No, I do not think so I think the Police appointment depends on fitness to hold his employment. He is obviously unfitted to hold his appointment if he cannot talk the language of his customer.

Mr. N. M. Joshi.] But your point is that there should be no discrimination on the ground of language.

#### Marquess of Reading

12,245 Is not the discrimination of which you are speaking political discrimination?—Yes and "in respect of holding of any business or employment"

Mr. N. M. Joshi.] Not only the employment and trade but even to status.

Sir Hari Singh Gour.] You are dealing with employment.

Mr. N. M. Joshi.

12,246 I am dealing with employment. I will not ask any more questions on that at all. In answer to some of the questions you stated that you would like to get the position of equality on the ground of reciprocity Do I understand you quite correctly?—Yes, I think so

12,247. So if in Great Britain there is any legislation which says that only British-born subjects are employed you would regard that as discriminatory legislation in Britain, would you not?—Yes, I should think so.

12,248 Then you will join us or help us in appealing to your Parliament to amend that legislation or to repeal it?—I should like to be given an example

Mr N M Joshi.] I will tell you now, if it is necessary, that even in India Indians are discriminated against as regards their employment in certain positions I recently returned from India, where I had to listen to question and answer in the Indian Legislative Assembly. In India there is a department called the Cipher Bureau in the Foreign Office of the Government of India, in which it is only British-born subjects who are employed We asked questions why Indians should be discriminated against in India and we were told that that is British legislation, that in the Cipher Bureau British-born subjects alone could be employed. If there is such legislation in Great Britain, do I take it that you will help us in getting such legislation repealed or amended?

Lord Hardinge of Penshurst.] I do not think there is any legislation. It is really a rule which is established by the Foreign Office.

Mr. N. M. Joshi.] My question is, it is on the ground of reciprocity, that they demand that there shall be no discrimination, certainly we are entitled to

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ask the witnesses whether they will agree to the repeal or amendment of any such legislation if it exists in Great Britain.

Lord *Hardinge of Penshurst*.] It does not exist.

Earl *Winterton*.] There is no such legislation.

Sir *Austen Chamberlain*.] This is a purely hypothetical question about legislation which does not exist.

Mr. *N. M. Joshi*.] My Lord Chairman, the Members of the Committee say it does not exist. It may not exist, but my information is very recent from replies given in the Legislative Assembly, that this is on account of a rule discriminating against Indians in their own country.

Sir *Hubert Carr*.

12,249. There are just two points I wanted to put to Sir Alan Anderson. Some questions were put to you by Sir Abdur Rahim with regard to your preference for gaining protection from discrimination by agreement rather than by legislative enactment. I rather gathered that you favoured that, but am I right in saying that at the present time there is no body in India with which you can make such an agreement which would be binding on the future constitution? I mean, that no agreement made to-day between the Government of India and the Government of Great Britain, or between the merchants of Great Britain and the Government of India would be binding in the future upon the Government of the new constitution?—That is so, I suppose. I understood those questions to refer to trade agreements between merchants on the one side and merchants on the other and my answer was not intended to belittle the need for administrative protection against this danger, but I agree that the most important thing of all is to live at peace with your colleagues and neighbours and therefore these traders should try to get together and settle their differences.

12,250. That, in fact, discrimination was not a question which could be settled between traders?—No, not at all.

12,251. Have you ever accepted the principle that British firms working in India, or with India, should be treated, or even accounted as non-nationals? So many questions seemed to me to be put to you on the basis that the British

trader is a non-national and therefore he may be discriminated against. But has not it been the contention of commercial bodies that in commerce and industry they cannot be treated as non-nationals and that they stand on exactly the same footing as Indian-born merchants in all matters of commercial legislation?—That is another and very concise way of putting our whole case.

Sir *Hubert Carr*.] Thank you. I want to be quite clear on it.

Lord *Snell*.

12,252. Sir Alan, if we could assume that for the purpose of establishing a new industry in India it was decided to put on a subsidy in order to put it on its feet, would a shipping company that had previously carried the goods that had been made regard that as discrimination against British traders?—India gives a subsidy to a new company for doing what?

12,253. For creating a new industry to give it a start?—A new cotton mill in India.

12,254. What you like?—Would the shipping company that used to carry the cotton goods out to India say that was discrimination?

12,255. Or carry goods to India?—No, I should say not.

12,256. You would not carry it to that extent. In regard to the protection of an industry, an indigent industry, suppose that any other country, Britain or any other, were to enter upon a policy of dumping in India and protection was undertaken against that: would that be considered as discrimination in Sir Alan's interpretation?—No. That would be a measure of protection. It would be analogous to tariff protection.

Mr. *F. S. Cocks*.

12,257. You have said several times that you wanted to add to Proposal 122 the question of domicile. You also added in reply to a question that by that you meant domicile in the United Kingdom. Is not that covered in your view by No 123 sufficiently?—No, it did not seem to us that it was. I admit that I am not a skilled draughtsman, but we considered these clauses very carefully. We read them in conjunction with the expressions of intention and we did not think that No 122 used the correct words to express the meaning.

12,258. You notice in Proposal 123 it says: "The Federal Legislature . . . will have no power to make laws subject-

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ing any British subject domiciled in the United Kingdom," and so on?—Paragraph 122 is. "no power to make laws subjecting in British India any British subject in respect of taxation, the holding of property of any kind, the carrying on of any profession, business or occupation, or the employment of any servants or agents, or in respect of residence or travel within the boundaries of the Federation, to any disability or discrimination based upon his religion, descent, caste, colour or place of birth" Our feeling was that by using those words you almost permitted discrimination for certain other causes which were quite easy to think of and we have put down a few of them

12,259 That is domicile in the United Kingdom?—Yes.

12,260. Is that not covered by the next proposal, 123?—Our feeling was that you wanted both; you wanted those words of domicile in 122 as well as the mention of them in 123.

12,261. You seem a little afraid in your memorandum that there would be discriminatory legislation. Of course, you have followed the discussions at the Round Table Conference. You remember the statement at the Second Round Table Conference, the statement that came from the report of the All-Parties Conference which said that it is inconceivable that there could be any discriminatory legislation even You have borne that in mind, of course?—Yes, we just want to have that carried out

12,262 You speak on page 12 of your memorandum of an alleged ambiguity in proposal 124, will you explain that a little? What is exactly the ambiguity to which you refer?—Paragraph 124 says that a subsidy is not condemned as discrimination solely because "It is limited to persons or companies resident or incorporated in India, or that it imposes on companies not trading in India before the Act was passed, as a condition of eligibility for any such grant, bounty or subsidy, that the company shall be incorporated." It does not cover the case of the company that was carrying on business in India before the Act was passed unless that company is included in the word "resident." We comment on ambiguity in the interpretation of the word "resident," and that I understand has a particular and special meaning and would not cover the company whose headquarters was in London, but carried on

business in India. It is not incorporated in India, and it is not in that technical sense resident in India

12,263 When you say in clause (b) of your memorandum on page 12 that "bounties or subsidies should be available to all firms or individuals engaged in a particular trade or industry at the time of the enactment," you mean, of course, trade or industry with India, do you not?—Yes.

12,264. Upon the question of shipping subsidies, you say that you think they have been carried much too far and that you want to prevent their increase, but do you not think that that is really a question for negotiation and discussion rather than to be incorporated in the Act?—They are mentioned here merely as an instance of the way in which discrimination could be applied, and then we do rather enlarge about them because they have been much talked of lately, but merely to show how easy it is to slide from a quite proper subsidy into discrimination by means of subsidy

12,265 You do not say the Indian Government should not give any subsidy at all to the mercantile marine?—No, we say it should not discriminate by subsidy.

Earl Winterton.

12,266 I have only two questions to ask Sir Alan, my Lord Chairman. Referring to the bottom of page 15 of the memorandum in which you deal with your views upon proposals 122, 123 and 124, I suppose, Sir Alan, it would be broadly true to say that there is no safeguard of the kind in order to enable British shipping to carry out its legitimate purpose in the case of any of the self-governing Dominions, in fact the position is rather the other way?—That is so.

12,267. It is in fact the complaint of British shipowners that in the case of Australia certainly and possibly in the case of South Africa, there has been rather discrimination against shipowners by reason of local legislation?—There is no discrimination of overseas trade.

12,268. Coastal trade, I mean?—There is a law in Australia with regard to coastal trade which does not discriminate against British owners, but which is impossible to be complied with by people who do not specialise in that business. It is quite a different thing, it is not discrimination.

12,269. It has the effect of hampering them?—No It has the effect of shutting out, for example, my company which



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comes from England to Australia, but it does not shut out British-born people from setting up a company in Australia and trading there.

12,270. I was dealing with the case of British shipping and companies who were doing business with Australia. I understood it was a complaint that they were being hampered?—Oversea shipowners wish that Australia would repeal the coastal clauses of her Navigation Act and allow them to trade on her coast.

12,271. That being so, you will agree that these proposals 122 to 124 go a great deal further from the point of view of giving legitimate opportunity to British shipping than that which exists in the case of Australia, for instance?—It is true that these proposals no longer apply to Australia. Australia has passed through that stage.

Earl Winterton.] I was only dealing with the effect of it

Sir John Wardlaw-Milne.

12,272 Before my right honourable friend passes to the next question, will he allow me to ask a supplementary question on the last question that was put? Do I understand from your answer that you agree that there is discrimination in the way suggested against British companies which operate purely in Australia?—No

12,273. Or is it your point that there is a discrimination in effect against companies trading from England to Australia, but not against British companies which might be set up and not already set up to trade round the coast of Australia?—There is no discrimination. There is a law which, in effect, separates the coasting trade in ships from the overseas trade in ships, and it operates just as much against the Australian owner as it does against the owner from Great Britain who is prevented from trading on the coast and it is equally open to either the Australian or the British shipowner to operate either on the coast or overseas.

Earl Winterton.] I think I can short-circuit my noble friend's question by a question that was made clear by the previous answer. I was talking purely, of the case of a British company in this country such as the great company that Sir Alan is associated with and doing business with Australia. Then I pass from that to ask you this. That being so, it being as I understand agreed by Sir Alan, that these proposals do give

much greater protection, or give more opportunity, these to British steamship companies domiciled in this country than is the case in Australia.—

Lord Eustace Percy.] Why do they? I thought that was the point of Sir John's question. As I gather the provisions in the White Paper and the provisions asked for by Sir Alan would prevent discrimination between the Indian and the Englishman operating in India, but they do not guarantee equal treatment to the English shipping company trading from England and the Indian domiciled in India

Earl Winterton.] Yes, they do. The answer is that my noble friend is wrong. The answer is that he is wrong, if I may give the answer. It is exactly what they do do. I say it is so. I do not want to enter into an argument now upon that point. I should be prepared when given permission to do so to satisfy both my noble and my right honourable friends that they are wrong in that

Sir John Wardlaw-Milne.] No doubt there will be an opportunity for discussion upon that, but I wish to make it clear that the witness has not agreed with that statement

Chairman.] Perhaps it may be dealt with in the discussion that will follow the appearance of the witness later on.

Earl Winterton.] Yes

Witness.] I did not want to burden you by enlarging this evidence too much, but we have prepared a paper on legislative powers of the Dominions, because this question of their gradual extension was very interesting to us. If you wish, we would circulate that. As to your question, I cannot tell you exactly what are the legislative powers either of India or of Australia, but in this particular, Australia has passed an Act for the government of their local trade and local shipping, and it is open to anyone to come under that Act, whether he is British, foreign, or Australian, so that it is something quite different from this discrimination which we have been talking about

12,274 My last question is this. In view of this situation, this general Empire situation, and applying the considerations to India, without disagreeing with the contentions contained in paragraph 12 and the Conclusion of your Memorandum (which, indeed, I have no right to do in asking questions) from the point of view of British shipping (because, as Sir Alan knows I believe, a

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great deal of the Indian shipping trade with this country, and its profitability or otherwise, is affected by conditions in Australia as well) is not the best way to seek fair treatment for British shipping to endeavour to arrive at an agreement with the various Governments of the Empire so that a convention may be obtained which will give the fair treatment which you seek to carry out by legislative enactment under the White Paper proposals, and which you have not got in some parts of the Empire to-day? —No. I should have thought when you are extending the legislative powers of any great mass of humanity it was very wise that you should say in clear terms how far you thought they should go in certain directions. We have tried to indicate certain things which we believe it would be very unwise for them to do—discrimination being the one we have been talking about. I believe that that should be definitely excluded, and it has been said in a number of speeches that that was the intention. We submit to you that the words do not quite carry it out. That is our whole story. I agree, always, it is very important for us to put our heads together as traders and try to arrive at agreements.

Lord Hardinge of Penshurst.

12,275. I want to put one very simple question. From what you have heard here this afternoon have your fears as to the risks under the proposed new constitution, of discrimination against British interests in commerce and British interests in shipping, been allayed?—No.

12,276. Then you consider that your safeguards are still necessary?—Yes.

Lord Irwin.

12,277. May I ask one question to make clear Sir Alan's attitude with regard to subsidies arising out of something he said to either Sir Phiroze Sethna or Mr Jayaker? Let us assume that India is anxious to develop Indian shipping. What would be his view of the propriety or impropriety of India offering a subsidy to shipping companies and accompanying it with a condition that the subsidy should only be payable to companies of not more than, we will say, a maximum tonnage of so much. Would he take the view that that was a fair thing, as in terms it implied no discrimination between Indian and British, or would he and those with him take the

view that that would in fact be a matter for an inquiry by the Governor-General? —I understand that this is an invitation to people of enterprise to tender for a certain service, and it is limited to people whose ships are below a certain tonnage?

12,278. I had rather in mind those whose fleet was below a certain tonnage? —In that way existing shipowners could be cut out from competition? Really, it would be totally ineffective. If an existing shipowner wanted to go in for it he could float a new company, and the real heart of the question is whether discrimination, if it is carefully cloaked, remains discrimination, is it not? and that is the difficulty. We all realise there is great difficulty. If there is a serious desire on the part of a great nation to discriminate, then they will find some way of doing it, but it is very important I think (and we submit this to you) to keep it permanently before them that it should not be done, that it is not part of the bargain, and that they, as honest people, have decided that they will not do it. In our view, speaking as business people, it is a great mistake to do it, and in this case you have taken of a shipping company, there is nothing on earth to prevent the enterprising Indian man from starting his own ships and competing in the trade, any more than there is to stop the Briton or the Dane or the Norwegian. Competition will be against him, but not at all because he is Indian (that is the difficulty foreseen in some of the questions) and I think the danger we are up against in the British Mercantile Marine is that we may soon be seeking for protection from people who pay lower wages. It is rather the other way round.

Sir Reginald Craddock

12,279. There is only one point I wanted to mention. In your Memorandum, under the heading of "Conditions of Eligibility for Subsidies," you say later on that you do not like interference with the composition of boards of directors and that at an rate such interference should not extend beyond a requirement that one-third of the directors should be persons of Indian race and domicile. But, as a matter of fact, as I think you recognise, those conditions of eligibility are not applicable to companies that were trading in India.

5<sup>o</sup> Octobris, 1933 ]SIR ALAN GARRETT ANDERSON, K.C.B., [Continued.  
Mr. R. B. DUNWOODY, C.B.E., Mr. M. W. WATT and Mr. P. MAURICE HILL.

before the Act was passed. It is in sub-paragraph (d) that you make reference to that point. Do I understand it correctly that when you speak of the Act granting the subsidy you mean some later Act, whereas in Proposal No. 124 I can see that there might be subsidies granted, although the power to grant them might be taken in an Act. How would you limit that time which would exclude you from the disability? How would you define it?—I am afraid I have not grasped the question.

12,280 You say in sub-paragraph (d): "It is not clear from Proposal 124 that a company registered in Great Britain but trading in India before the Act granting a subsidy would be protected from discrimination in the event of its subsequent registration in India." I was not quite clear as to exactly what cases you were contemplating, because this eligibility for subsidies does not involve an exclusion in the case of companies that were trading in India before the Act was passed. I am not quite certain of your point there?—I am afraid I have not quite grasped the question.

12,281 I wanted you to explain quite what you meant by. "It is not clear from Proposal 124 that a company registered in Great Britain but trading in India before the Act granting a subsidy would be protected from discrimination in the event of its subsequent registration in India"?—Because its subsequent registration in India would make it a new company.

12,282. Although it had been trading in India before the Act. Is that your contention?—That is our reading of it.

12,283. You want that to be made clear?—Yes.

12,284. The other limitation which you suggest is that, if a company subsequently acquires a business in India which existed before the Act, the same exemption should apply to the firm or company that acquired that business?—Yes.

12,285. Those are the two points on which you think that Proposal 124 does not go far enough?—Yes.

Sir *Reginald Craddock*.] I just wanted to be quite clear that I understood the meaning of that.

Lieut.-Colonel Sir *H. Gidney*.

12,286 I wanted to clear up some of the questions I asked earlier in my examination. When I asked Sir Alan if he was aware of shipping companies who did not employ any but British officers, I referred to shipping companies in England who traded with India, and I particularly referred to both the P & O. and the B.I., which companies refuse to employ any but British officers, especially when steamers are altered from an Eastern to a Western coast route and their Indian and Anglo-Indian employees are put on Eastern coast ships and are not sent to England. That is a clear case of racial discrimination which I have brought to the notice of the Government of India and the B.I. Co. in Calcutta. In a case of a Chief Engineer doing excellent service in a B.I. Eastern coastal boat, the moment the boat is sent to England and alters its line, the one who is not a Britisher is put on an Eastern coast ship and not sent to England. It is a very flagrant case of racial discrimination which is being practised largely by the B.I. and which I have in vain brought to the notice of the Government of India. It is only natural that with racial discrimination there you cannot expect to avoid racial discrimination in other things, if you practice it?—I cannot say whether the B.I. do that or do not. I do not know. If they do I cannot say it is racial. It is probable that the native Indian has his home and headquarters in India; he is not used to a cold climate; for many reasons it may be undesirable to send him on that voyage, but I should be arguing with a complete lack of knowledge if I argued it.

Lieut.-Colonel Sir *H. Gidney*.] I just wanted to explain my position.

*Chairman*.] We are very greatly obliged to you gentlemen for having provided us with this Memorandum and for having appeared before us.

(The Witnesses are directed to withdraw.)

Ordered, That the Committee be adjourned to to-morrow at half-past Ten o'clock.

## DIE VENERIS, 6° OCTOBRIS, 1933.

Present :

Lord Archbishop of Canterbury.  
 Marquess of Salisbury.  
 Marquess of Zetland.  
 Marquess of Linlithgow.  
 Marquess of Reading.  
 Earl of Derby.  
 Lord Middleton.  
 Lord Hardinge of Penshurst.  
 Lord Irwin.  
 Lord Snell.  
 Lord Rankeillour

Lord Hutchison of Montrose  
 Sir Austen Chamberlain.  
 Mr. Cocks.  
 Sir Reginald Craddock.  
 Mr. Davidson.  
 Mr. Isaac Foot.  
 Mr. Morgan Jones.  
 Miss Pickford.  
 Sir John Wardlaw-Milne.  
 Earl Winterton.

The following Indian Delegates were also present —

## INDIAN STATES REPRESENTATIVES.

Sir Manubhai N. Mehta.

Mr. Y. Thombare.

## BRITISH INDIAN REPRESENTATIVES

Dr. B. R. Ambedkar.  
 Sir Hubert Carr.  
 Lieut.-Colonel Sir H. Gidney.  
 Sir Hari Singh Gour.  
 Mr. M. R. Jayaker.

Mr. N. M. Joshi.  
 Sir Abdur Rahim.  
 Sir Phiroze Sethna.  
 Sardar Buta Singh.  
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL, C.I.E., Mr. WARIS AMEER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr. Justice W. A. LE ROSSIGNOL are called in and examined as follows:

*Chairman.*

12,287. You gentlemen are good enough to appear before us on behalf of the Indian Empire Society. Lieut.-Colonel C. E. Bruce, you were Revenue and Judicial Commissioner in Baluchistan, from September, 1929, to October, 1930, and Gazetted Chief Commissioner, Baluchistan, from that date to your retirement in March, 1931?—(Lieut.-Colonel Bruce.) Yes.

12,288. Lieut.-Colonel Sir George MacMunn, you were Quarter-Master General in India from 1920 to 1924, and I see that you visited India again in 1933. Mr. Waris Ameer Ali, you were District and Session Judge in the United Provinces and you retired in

June, 1929. Mr. O. C. G. Hayter, you served in India in the Indian Police in the Bombay Presidency from 1896 to 1925. Mr. Justice Le Rossignol, you were a Judge in the High Court in the Punjab from 1919 to your retirement in 1926. Mr. Lyall, you were Officiating Commissioner in the Bhagalpur Division from 1915 to 1920 and Commissioner from that date to your retirement in 1926.

Apart from the General Memorandum No. 77, which you have been good enough to furnish, Colonel Bruce hands in Memorandum No. 78, Mr. Lyall, No. 80; Mr. Waris Ameer Ali, No. 81; Mr. Hayter, No. 82; and Mr. Justice Le Rossignol, No. 83?—Yes; the memoranda are as follows.—

## MEMORANDUM 77—GENERAL MEMORANDUM.

Though our general testimony must be general in character we would respectfully point out to the Joint Select Com-

mittee that coming as we do from diverse parts of India where conditions are often very different, it is impossible that

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[Continued]

our experience should be identical on every point. I think it will be agreed, therefore, that any representations or evidence we have to give must be given with reference to the areas and services with which we have respectively had to deal. That being the case we have deemed it necessary to add memoranda dealing with the special problems of our respective fields.

Generally speaking.—

While we are in favour of increasingly associating Indians in the administration of the country whenever and wherever possible, we hold that the degree to which this can be done must be subordinated (1) to the welfare of the masses (2) to the conscientious discharge by the British nation of its stewardship of the vast continent of India and (3) to justice to the commitments undertaken by the British nation.

We yield to nobody in our desire to honour scrupulously all pledges given to India. We maintain, without fear of contradiction, that these pledges have never been unconditional. To act as if they were is, in our opinion, a direct breach of faith to the Indian masses as well as to the British nation, and a betrayal of our stewardship.

History teaches us that there never has been a Sovereign power active throughout India except the British. The benefits this power has conferred on its teeming millions, the safety engendered by enforcement of Law and Order, the development of Schools, Railways, Irrigation Canals with British capital and British lives have been testified to by historians of all nations.

In our view the original lines on which Indians were more closely associated with the Government of their country were correct; selection and promotion by proved merit.

The decline commenced from the day when British politicians endeavoured to endow India with democratic government. This policy has to our certain knowledge been imposed from England against the advice of the Services. The general body of the Services in India has watched with anxiety and misgiving the enforcement of a policy which those of us most closely concerned with District administration knew could only bear the fruit it has—a widening breach between communities, the rapid

decay of good government and Law and Order, the growth of parties bitterly antagonistic to British rule.

We regard all safeguards as worthless. They will lull the nation into a false sense of security and provoke in the opposite party the antagonism they cannot control.

The only reality is "Power". If that is retained safeguards are not required.

We ask the Committee to advise that Parliament shall not divest itself of power to vary hereafter the constitution of India, and that the power so retained should not be a bare sufficiency but have an ample reserve. Such power can be retained by an insertion in the Act of the right of Parliament to resume control in whole or in part.

This demands an adequate British element in all the key services of India, and especially the Judiciary, the Police, Irrigation, the Railways, the Post and Telegraphs and the Medical Services.

The condition of the peasantry in Russia and China to-day is strictly comparable to that of India when we took over. Let us see to it that we do not inaugurate a constitution which may bring India to a like plight.

Some may talk of taking the "risk" of granting India a full-fledged democratic constitution, but we would ask them to remember that the risk is not theirs. The peace, safety and contentment of 350 millions, and the invested lives and capital of our country—investments made on the faith of the British nation—these are at stake.

Were there apparent in the principal organised political party of India to-day any real recognition of partnership, our misgivings as to the experiment might be less. They are, if possible, rendered more profound by the chaotic world conditions of to-day and the fact that too many of the advanced politicians of India to-day appear to be inspired by unreasonable animosity.

The finances of India are already strained to the utmost by the experiments of the past ten years—to such an extent that Parliament has acquiesced in the reduction of the pay of members of the administrative Services—even against contractual obligations and involving the reduction of activities beneficial to the people in many departments.

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[Continued.]

## MEMORANDUM 78 BY LIEUT.-COLONEL C. E. BRUCE, C.S.I., C.I.E., C.B.E.

I think it will be admitted that the most vulnerable portion of the great Indian Empire is its north-west frontiers, for these are the very ramparts of the City of India, and if the ramparts fall, the City must fall also.

If that be true, then it may equally well be so that on the true solution of the frontier problem in its relationship with India Proper, may rest the fate of this great sub-continent. Has this fact and what bearings the lessons of the frontier have on the problem been taken sufficiently into consideration?

## HISTORICAL.

It would certainly seem from the lessons of the frontier, if not from the lessons of history, that any administration which subordinated the welfare of the masses to political considerations always failed and caused needless suffering to the people as a whole, whereas any administration which kept the welfare of the masses as the supreme test always succeeded.

Even on the frontier, therefore, if these two interests clash, we seem faced with "the very clear and very grave alternative, to back the politically minded class or the interests of the masses, to stand by the masses or to persist in a policy of concessions."

If a study of the past is necessary to discern the future it would seem that the lessons of history, the lessons of India and of the frontier show that the results of the two alternatives are not matters of conjecture, but facts, which prove conclusively that the welfare of the masses must always be the supreme test.

Not deterred, however, by these lessons we carried on in India a policy of concession and drove many men "who had previously been prepared to stand by us on to the other side for their own protection."

For instance, on the frontier, when a certain Mullah was asked why he had joined the opposition, he answered that "nowadays only those who give trouble are of any importance; loyalty does not pay."

(Note.—Even as far back as 1901, Sir John Rees wrote in his "Real India"—"There is no doubt, however, that the opinion is widespread that agitation pays and the writer has frequently heard the 'Honours List' discussed by Indian gentlemen with the remark 'only the Natives who worry or oppose Government

are remembered by it on these occasions—loyalty does not pay.'"

A father of one of the Red Shirts wrote that his son had been compelled to join the Red Shirt Army and could not a government job (*sic*) be procured for him? The gist of his letter was that there was little peace for anyone who was neither a Government servant nor a Red Shirt.

Whatever may have been the results of concessions on the rest of India, with which it is not my province to deal, their effects on the frontier and its tribes was certainly disastrous.

The concessions made have been clearly set forth in "The India we saw" and elsewhere but, to show what effect this policy had on the frontier, it might be as well to put down briefly the more important ones in chronological order, as only thus can the cumulative effects be clearly gauged.

In spite of non-co-operation and the fact that there had been a deterioration in the services and consequent suffering to the people after the late Reforms we continued the policy of concession.

(a) In 1927, although the statutory period of 10 years had not expired "doubtless in response to great pressure from Indian politicians Government anticipated the appointment of a Commission" Major Cadogan in "The India we saw.")

Whether this decision was wise or not, it was looked upon as a surrender.

(b) At the time the Commission was appointed, the question as to whether Indians should, or should not, be included was raised and it was decided that they should not be.

(c) When it was suggested that Indians would be prepared to co-operate with the Commission, provided a Round Table Conference was agreed to, this suggestion was also rejected as outside the range of practical politics.

(d) Once again, however, was agitation to succeed where constitutional methods had failed as Congress "were sagacious enough to realise that by avoiding compromise with the Commission they were more likely to exact concessions... the subsequent capitulation of the Home Government in face of this defiance proved how correct had been their assumption." (Major Cadogan.)

(e) And exact further concessions they did as Round Table Conference was to succeed Round Table Conference. In

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spite of the scenes which accompanied the tour of the Simon Commission and which in the opinion of many of the officials were unnecessary, Congress and all that it stood for, continued in their rebellious attitude. Indeed the only reason for their overtures, shortly before the departure from India of the Commission, was due to the fact that the Moslems had broken away from them (Major Cadogan).

(f) Then followed the Gandhi agreement by which, in the opinion of many, the waning prestige of Mr. Gandhi was not only revived but very much strengthened.

(g) Once again agitation appeared to have succeeded where constitutional methods had failed, the climax being reached when "at the dictates of Congress" not even one of the members of the Commission was appointed to the Round Table Conference

(h) This was followed by what was looked upon by many as the still further surrender over the phrase "Dominion Status."

These, I think, are admitted facts which those who run may read and there certainly seem many other examples from our own and other nations' history—Egypt, Ceylon, Cyprus, Morocco, Syria, China and others.

What is happening in Egypt is of great consequence to Britain; what has happened and is happening in China and other places may not be of such great consequence—though it is of vital consequence to the masses in these countries—but this at least cannot be said of India where it is admitted that the welfare of the masses must be our first consideration and one that cannot be repudiated without dishonour to ourselves.

#### THE NORTH WEST FRONTIERS.

Turning now from the general to the particular

What of the North West Frontiers of India which have been described as "one of the few places on the earth's surface where we British can take a knock-out blow"?

Protected on two sides by the sea and on its North Eastern Frontiers by the impenetrable barrier of the Himalayas, the history of India, for generations past—more especially before the coming of the British—tended to centre round its North West Frontiers. The great chain

ramparts of the City of India, the passes its gateways, through which have swept in endless succession mighty invading armies. The history of these invasions has been the history of India throughout the ages, as well as the history of the frontier, where in addition, clan ever warred against clan for the mastery. The tidal wave ever advancing and never receding drove the tribes ever eastward, until the plains of Hindustan were reached, where wealth and better-living gradually sapped their energies, causing them in turn to fall victims to their cousins from the hills.

Devastated by inter-racial wars, a prey to the ambitions of rival principalities and powers, ravaged by famine and pestilence; groaning under the tyranny of caste India had lain at the mercy of the more virile races of the north who swept down the passes and would almost certainly have continued to do so had not the slow but sure advance of the British dammed the flood and brought peace and justice to that distracted land.

Are not both the Hindus and ourselves rather inclined to forget that this dam was British, or at least constructed by the sweat and toil of British Engineers, and that the flood waters are still there, only waiting to be unloosed?

"The strength of a wall is neither greater nor less than the courage of those who defend it." Undermine and weaken that dam and there is great danger that, like their own mountain streams, dry and silent for the most part, save when storms crashing on the hills bring them down in wild spate, the tribal storm will again burst and the torrents sweep down with irresistible force on to the plains of India. For the frontier tribes are sitting on the fence waiting and watching; waiting as they have ever done for any signs of weakness on the part of the authorities. "When the Sarkar goes," said one of the Mahsud tribal headmen, "will you lead us when we march on Delhi." This may have been said in jest, but many a true word has been said in jest

Let those who doubt my word as to the possible results of any weakness listen to the answer of the Hindus of Dera Ismail Khan to a number of Congress and Swarajist leaders, who had come to visit the frontier and were expecting them to cry loudly for Reforms, "We happen to be up against facts," they said, "We know that only a year or



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so ago, owing to a slight weakening of authority, trans-frontier raids into the district numbered more than one a day. All the Hindus fled from their villages into the walled towns and hardly dared to leave their houses. Raids, robbery and kidnapping were rife. Now there is once again peace and security and no raiding. Reforms? We want no reforms which are likely to weaken the administration. What we want is a strong government and if necessary more British officers." Facts and realities are very convincing. And is it not rather significant that where the Hindus are in a minority they should wish for strong government rather than self-government.

Here, on the frontier, two distinctly divergent policies have been tried, called the Sandeman and Close Border systems respectively. After 35 years spent in close and almost daily contact with the tribes, who inhabit this great borderland, and in constant touch with their problems, I have come away with the strongest conviction that the only form of administration which has proved successful in the past, or is likely to do so in the future, is one which, while conforming in the main to Western standards, is built up on the existing frameworks of the tribal organisation.

Such a policy was Sandeman's and such, as already shown, was the policy of Lords Cromer and Kitchener, and of Marshal Lyautey, and I would dare to say of every great Colonial administrator.

Sandeman's was a policy of "peaceful penetration," generally at the request of the tribes themselves, an administration built on the tribal organisation and allowing of the participation of the tribesmen therein. It was a policy which led to the development of the country and its resources for the benefit and well being of the tribesmen. In short it was a policy of civilisation built on the rock of Justice—Justice to the poor and oppressed—and one which therefore completely fulfilled the supreme test, the welfare of the masses.

Sandeman's success was due more than anything else to the fact that he looked upon the problem almost entirely from the tribal point of view and was ever seeking for the tribesmen's welfare.

The Close Border system on the other hand, had again and again failed because it looked upon the problem from a purely selfish point of view, allowed justice to yield place to expediency, and refused to take over control, without which the moral and material benefits, of which the

tribesmen were so sorely in need, could not be given them. It left the tribesmen in a state of anarchy and failed to recognise that these men are only governable so long as they are convinced of their ruler's power to govern as well as his desire for their welfare. The tribesmen across the border despised such a policy because of its weakness while those inside the districts despised it because it failed to give them security and justice. It was a policy which had called forth from the late Lord Lytton the scathing criticism that it was "neither becoming to a Great Power, humane, nor even economical." It failed because it allowed the welfare of the people to be subordinated to other considerations and shirked its moral obligation, and the outcome of its failure was seen again and again on the frontier and culminated in the recent troubles in Peshawar and on its borders.

The cornerstone of the frontier administration, as elsewhere in India, is the District Officer, working in the closest co-operation with the Police and Frontier Constabulary in the Districts, and across the border with the Political Officers. Every tribe across the border is to a great extent dependent on the settled districts for many of the necessities of life. It is therefore in the districts that pressure can be brought to bear effectively on the tribes, if they misbehave themselves. This however postulates not only a complete and intimate knowledge of the tribes by both the District and Political Officers and all other parts of the machine, but also the very completest co-operation between them.

And behind the Civil forces stands the Army and the Air Force. There is a close connection between the Army and Police in India proper, but nowhere is this connection so close or so essential as it is on the frontier. But, in ordinary times, it is the Civil and Political authorities and Police who are responsible for the maintenance of the peace of the border. Law and order are not, and must never be, a military duty. The Military and Air Force should never be called in until all else has failed, and when, without them, the Civil authorities cannot function properly. For just as in the sagacious words of the late Lord Lytton "the best political officer is not he who puts down raids but he who has no raids to put down" so is the case with the calling of the Army and the Air Force—the best political officer is he who has the least occasion to call on them for assistance.

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In addition to these functions the civil authorities and the civil forces are in ordinary times the eyes and ears of the fighting forces and their main centre of "Intelligence." In short the responsibilities of the various parts of the machine as regards the peace of the border and their functions may thus be summed up.

In ordinary times it is the District and Political Officers, working through the Police and Civil forces, who are solely responsible for this, with the Military and Air Force always ready to assist them should necessity arise; and in times of trouble to support them and in conjunction with them, deal with internal revolt and external aggression.

The Scouts, across the border, ready in peace to give effective support to the tribal leaders, the tribal "Khassadars" (levies) and to assist the Civil authorities in maintaining peace.

The Frontier constabulary to protect the settled districts from raiding and co-operate with the political authorities and scouts across the border, and with the Civil authorities and Police inside the districts.

The "Khassadars" (tribal levies) responsible with their headmen, through whom they are enlisted, and on whom the main responsibility rests, for the maintenance of law and order amongst their own tribes. The amount of success they can achieve is greatly dependent on the support they receive which in turn is dependent on control.

The main object of the Civil and Political authorities in peace time must therefore be to have a policy which will cause the least dislocation in time of war. It must consequently be aimed at bringing the tribes in on our side, by making them our friends instead of our enemies, so that both the Army and the Air Force will be able to concentrate every available man and machine, without having to fritter away their resources on a long line of communications.

The aeroplane supplements, extends and facilitates the action of the military forces and vice versa, but, in ordinary times, neither can, nor indeed should, control the tribes. Control at such time is, and perforce must be, the work and responsibility of the Civil Authorities. In other words, each part of the machine supplements, extends and fulfils the work of the other. All have their limitations and it is only by the closest co-operation that the best use can be made of them. In war time the roles become more or less

reversed, as the control gradually shifts to the fighting forces.

The only effective weapon of tribal control is a system such as Sandeman's, carried out by the right officers, who have the interests of the tribes at heart, and who know and sympathise with them. You cannot control the tribesmen by fear only.

It was a policy which, when tried in Waziristan, in spite of the forebodings of false prophets, immediately proved successful and even earned from "The Times" the attestation that "the hopes that inspired the policy have been fulfilled. It seems the Pathan can after all be Sandemanized."

On the one side of the picture therefore you have Baluchistan and Waziristan, where, in spite of serious crime having increased to an alarming extent in practically every Province in India, there, almost alone, was a steady decrease.

Has the steadfastness with which Baluchistan has withstood the storms and convulsions, which have been troubling India, no lessons for us to-day? Has the fact that, in spite of its bordering on Sind, one of the most disturbed portions of India, it has remained loyal, as witnessed to by Mr. Cadogan when he wrote "the indigenous tribes seemed perfectly contented . . . so . . . the Commission decided to leave them to their own devices—an excellent decision" nothing to teach us?

It was indeed an excellent decision, but it is hard to say how long the Baluchistan Chiefs will remain contented when they see their opposite numbers in the N.W.F.P. drawing large salaries on the Councils and Assemblies. May they not argue that these were obtained by agitation and that though their loyalty may have paid their tribesmen as a whole it certainly has not paid them? Indeed there are not wanting signs that this is already occurring. You have Waziristan, formerly the firebrand of the frontier, "contentedly quiet" because the new policy, following in the footsteps of Sir Robert Sandeman's in Baluchistan, has been aimed at furthering the moral and material welfare of the tribesmen.

And on the other side you have what? The Close Border system with its increase in violent crime, culminating in a general contempt for authority, and the debacle in Peshawar. Our preliminary duties being administrative rather than political, the supreme test of any Reform must be whether they will conduce to the

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security, happiness and welfare of the masses for whom Great Britain has assumed responsibility. Even on the frontier, there is, and can be, no other test. It is useless to ignore facts or "to adopt a conclusion best suited to our own ends" The facts remain impervious to such pressure and in the end always assert themselves

If then we are to save ourselves, and what is far more important, India's silent millions, we must face the facts and first of all see what the results of the Montagu-Chelmsford reforms have already been on the masses and then try and visualise what the effects on them will be of the present White Paper proposals. Much is being said about the minorities but far too little about the masses.

Owing to the weakening of control due to concessions, as well as to the faults inherent in the Close Border system, increase in violent crime in the Peshawar district assumed such unprecedented dimensions that murders alone increased to one a day and the collection of revenue almost entirely ceased. It was this state of lawlessness and the failure to take adequate action against the Red Shirts which eventually culminated in the debacle in Peshawar and the rising of the Afridis. This was due in the opinion of an eye-witness, to a failure on the part of the local administration to enforce law and order "and a neglect on their part" to appreciate the real nature of the Red Shirt and City movements.

Under such a system as Sandemans the Red Shirt movement could never have come into being. For, had it done so, it would have meant a complete abrogation of the power of the tribal headmen and indeed a break up of the whole system.

At the time the Red Shirt movement was at its zenith "The Times" with a complete lack of knowledge of the psychology of the Pathan, went so far as to say that "the Red Shirts have established themselves so firmly (the underlining is mine) that over large areas the King's writ does not run." Yet, so little firm really was their seat that, at the very first show of strength on the part of the authorities, the movement more or less collapsed, thus showing that the local officers who prophesied that such would be the case, were right.

Even "The Times" admitted that since stronger action had been taken

there had been a decided improvement and this was certainly the opinion of the same eye-witness in Peshawar, when he pointed out that "within a week the whole atmosphere of the Peshawar district had changed, within a fortnight conditions had reverted, at least superficially, to those that had prevailed before the first organisation of the Rural movement."

On the frontier it has indeed been proved again and again that the weaker the policy the greater is the bloodshed; that he who is ready to draw the sword is the one who is least likely to have to do so. There indeed we cannot afford to forget Lord Roberts warning that "these tribes are not our own flesh and blood and their loyalty is the outcome of their belief in our invincibility and in our power and will to defend them" and give them justice. Shatter that belief and you do so at a very great cost.

Indeed the improvement in the situation on the frontier—and probably in India as well—is due more than anything else to a recognition on the part of the district officers, the Police and the great mass of the people that the Government intended to support its officers in the maintenance of law and order. To argue otherwise, or to say that it is due to conciliation, is, I believe, to ignore the significance of the improvement as well as to fail to read the lessons of frontier and Imperial history.

Yet, even in the inflammable frontier, instead of building on the tribal organisation, and rebuilding and repairing it, where necessary, we are steadily occupied in undermining it still further. Sir Henry Dobbs pointed out that "Civil officials were mostly educated Orientals brought up in towns, who had a great dislike and suspicion of the tribes, the tribal organisation and the tribal chiefs and more often than not were out to destroy them by every means in their power." Sir William Barton gave much the same warning and in addition pointed out the extreme dangers of handing over the portfolio of law and order to an Indian Minister as, without the control of British officers the system would immediately collapse.

If this be true then are we wise in assisting them to do so. The Frontier Crimes Regulations were built up on the tribal organisation and tribal customs. Yet at a time when there was a wave of lawlessness all over India, when, in addition to Peshawar, serious crime is

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the Kohat and Dera Ismail Khan districts had risen by 123 per cent., we, experimentally at least, did away with these regulations in two of the frontier districts and talked of doing away with them in the remaining districts as well. Was it any wonder if many of the law-abiding citizens said that it was yet another concession to agitation?

#### LESSONS OF THE FRONTIER.

Let me now sum up very briefly the lessons of the frontier:

I. *The supreme test*, as always must be the welfare of the masses.

II. *The essentials* of any policy which will pass this supreme test are —

(i) It must be a policy built on the existing frameworks of the tribal organisation and tribal customs and worked through the tribal headmen

*Note.*—As Marshal Lyautey pointed out "In every country there are existing frameworks. The great mistake for a European people . . . is to destroy these frameworks. Bereft of its armature the country falls into anarchy . . . In every society (and in every tribe there is a ruling class, born to rule, without which nothing can be done. Enlist that class in your interests."

Such a policy was Sandeman's on the frontier and such were the principles on which all successful administrators on the frontier have worked.

(ii) The only real safeguard for the welfare of the masses, as witnessed to by the Hindus of Dera Ismail Khan, is the reality of British control as it is their mainstay in obtaining justice. Justice has indeed been the corner stone of our Empire, as exemplified by Sir Arnold Wilson's delightful story of the two Arabs arguing as to who would win the Great War "If the English lose" said the one "then Justice will disappear from the Earth." "If that be true," said the other, "he English will win because God will not allow justice to depart from the world"

It was because the Close Border System refused to recognise that without British control justice could not be secured that it failed, as I believe we shall fail in India if in any scheme of reforms we allow the maintenance of law, order and justice to

pass out of our control, thus forgetting the great Chatham's dictum, "I will be responsible for nothing I do not control."

The Close Border also failed because it did not make adequate use of the headmen or really enlist them on our side. It worked far too much through "middlemen" and allowed them and a few headmen to usurp too much power. By ignoring the majority of the tribal leaders, it weakened their power for good, though not for evil. Having weakened their power it then accused them of being useless and argued that the tribal organization had broken down. It had not broken down. It was a case of a bad workman complaining of his tools.

(iii) No considerations, political or otherwise, can therefore be allowed to override the welfare of the masses. Our own Imperial history, and more especially the history of the North-West Frontiers of India, has proved conclusively that such a policy is foredoomed to failure

(iv) The welfare of the masses being dependent on control. Control on the frontier postulates the completest co-operation between the District and Political authorities, the Police and other civil forces, and, in the last resort, of the Army and the Air Force.

(v) Proper control can however only be exercised by those officers who have an intimate knowledge of the tribes and their customs; those officers who are in sympathy with them, for as Sandeman said, "On the frontier a man has to deal with the hearts and minds of the people and not only with their fears."

(vi) There is a close connection between the Army and Police in India, but nowhere is this more necessary or essential than on the frontier

(vii) In ordinary times the Army is greatly dependent on the District and Political officers, in conjunction with the Police and Civil forces for its "intelligence" This again calls for the closest co-operation between them.

(viii) Inadequate co-operation between the Civil officers and the Police invariably leads to increase in crime, as well as to a risk of internal disturbances, to which in the frontier

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must be added the far more dangerous one of tribal disturbances and unrest.

If, therefore, the peace of the border is to be kept, and law and order maintained, the closest co-operation between the Civil and Political authorities and the Police is absolutely essential as well as between them and the Army and Air Force. Nothing must be done in any way to weaken that co-operation without the gravest risks of disaster

(ix) As the tribesmen for the most part are poor—taxation must be light. This has always been laid down by all great administrators as absolutely essential. Nothing must therefore be done to add too much to their burdens

These then seem to be the tests and the essentials necessary for any policy or administration to be successful on the frontier.

How far then have the Reforms passed these tests and carried out these essentials.

#### RESULTS SO FAR OF THE REFORMS ON THE FRONTIER

(1) Although it may be argued that the Montagu-Chelmsford reforms did not affect the frontier, it is surely significant that in whatever districts a policy of weakness and concession to agitation was adopted, as a result of these reforms, it immediately led to lawlessness and suffering to the people, whereas in those districts where it was not adopted peace continued to reign.

(2) The policy of weakness played into the hands of the politically-minded and the "middlemen" (against whom the late Lord Lytton, Sir Robert Warburton and other frontier officers had given such stern warnings) who for the most part were out to destroy the tribal organisation and weaken the power of the tribal leaders and thereby render impossible the carrying out of the only system which has proved uniformly successful with these tribes.

(3) By playing into the hands of the infinitesimal minority of politically-minded it also weakened the power of the District officers—the very corner-stone of the administration — and greatly weakened the prestige of the Government.

(4) By weakening the power of the District officers and by concessions to agitation it caused an unprecedented increase in serious crime. By doing away with

the Frontier Crimes regulations at a time when every support was necessary to the District Officer in maintaining law and order it further clipped their wings and made their task more difficult

(5) It was this policy which was the direct cause of the rise of the Red Shirts.

(6) The weakness with which these disruptive movements were dealt with still further undermined the power of the executive officers, as well as the power and influence of the natural tribal leaders, and was the direct cause of the Afridi invasion into Peshawar.

(7) "The statistics of communal riots" wrote Major Cadogan, "prove beyond cavil or dispute that it was only the prospect of self-government that acted as a restorative to the rivalries of the two communities." (Hindus and Muhammadans.) It was this prospect and the policy of weakness, which played into the hands of the politically-minded and thereby accentuated these rivalries that were the causes of much of the communal trouble on the frontier, the riots in Kohat and disturbances in Peshawar, Dera Ismail Khan and other districts. As Major Cadogan so truly points out, "This incompatibility is the big basic fact in the situation. To deny that fact is impossible; to ignore it a catastrophe."

(8) The peace of the border being dependent on the closest co-operation between the District and Political authorities, the Police and Civil forces, the Army and the Air Force, and the districts being the places where pressure can very often effectively be brought to bear on the tribes, I view with great misgiving the separation in the control of the frontier agencies and the Districts. It must eventually adversely affect this essential co-operation, for the prerequisite of the application of that pressure is that both the District and Political officers should have a complete and intimate knowledge of the tribes and how they live, move and have their being. Any officer who has had to deal with the frontier problem on both sides of the border will admit that complete, or even adequate, co-operation between District and Political officers has not been too easy to maintain. This separation must make it more difficult, and as the requisite knowledge decreases and the cleavage spreads, it cannot help but make the maintenance of the peace of the border more difficult.

(9) As the Municipal and District Boards on the frontier are still under

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the influence of the District officers, the deterioration, which has been so marked in the reports from other parts of India, has not been so great. At the same time it would be idle to say that the result of the weakening of the power and influence of the district officers, has had anything but a bad effect. Communal hostility and jealousy have increased and too many cases which come up before the members are dealt with from this view point, very often to the detriment of the problems which especially affect the welfare of the masses.

(10) I have neither had the time, the means, nor the opportunity to go into the financial side of the frontier problem; nor am I a financier. But I believe I am right in saying that there has been a large increase in the expenditure on administration during the last decade or so. Far from this having led to any greater efficiency the reverse has been the case. Weakening of control has led to inefficiency, inefficiency to corruption and nepotism, as well as to injustice and, as already pointed out, to an increase in violent crime and consequent suffering to the masses. The savings made to meet the increase in expenditure have too often been made from those very services which tend most to the welfare of the masses. For, as Major Cadogan pointed out, "Whenever we endeavoured to discuss the problems which really matter health, education, and other nation building services, they (the Central Legislative) were not really interested."

(11) In short the results of concessions to agitation, the outcome of the Reforms, have in every case failed to stand the supreme test of the welfare of the masses and have on the contrary added much to their sufferings, by an increase in lawlessness and crime.

(12) The lessons of history, the lessons of the frontier and the facts seem therefore to show that whenever and wherever the welfare of the masses has been the supreme test and nothing has been allowed to stand in the way of achieving that goal, such a policy has always succeeded; that whenever and wherever we have pandered to agitation and have allowed the supreme test to be overridden by political considerations, such a policy has always failed; that a policy of propitiation "which has bred the notion that it is not so much co-operation but coercion that exacts concessions" and the consequent relaxation of British control has always led to the same results—

deterioration of the services, corruption and nepotism, a steady increase in crime in spite of increase in expenditure and great suffering to the law-abiding masses.

#### THE PROPOSAL TO HAND OVER THE CONTROL OF THE POLICE AND THE COURTS.

With these facts before us and seeing the results so far achieved by a policy of concession, can we not judge how far the proposals contained in the White Paper will conduce to the welfare of the peoples of the frontier.

There is not a Police officer, I think, who will not admit that the support and co-operation of the District officers is absolutely essential if they are to carry out their work properly and maintain law and order. The greater the support and co-operation, the greater the peace. To transfer the control of the Police, the mainstay of the District administration, much further weaken the power and influence of the District officers and render that support and co-operation more and more difficult to maintain. It will thus weaken the power of the district officer in his relations with the Police, it will also weaken the power of the police on whom the District Officer so much depends for the peace of the district and the welfare of its people.

Not only the close liaison between the District Officers and the Police be affected, but also between both and the Political Officers. Furthermore, the equally essential co-operation between the Army and Police, which, on the frontier at least is so dependent on the District and Political Officers, will gradually cease to exist.

The peace of the border being absolutely dependent on the closest co-operation between every link in the chain—District and Political Officers, Police and other Civil Forces, tribal leaders and tribal levies, and the Army and the Air Force, we cannot afford to weaken any link in the chain, without courting disaster, for the strength of a chain is in its weakest link.

But under the proposal to transfer the Police to the control of an Indian Minister there is not one link in the chain which will not be weakened, if not shattered. By this I do not mean to throw aspersions on to any Indian minister as such, but it is useless not to face the facts. It would require the qualifications of a Gabriel and a Michael rolled into one to carry out the responsibilities of such an office to the satisfaction of all the various Committees. I cannot

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believe that in his heart of hearts there is a single Hindu on the frontier who, whatever he may say in public, does not privately view such a transfer with the gravest misgivings. The same apprehensions undoubtedly exist in the minds of the great mass of the people.

It is no exaggeration to say that "the successful working of every proposal in the White Paper—and more—will depend on the efficiency, contentment and impartiality of the Police."

Just as on the frontier we can never afford to forget Lord Roberts' warning that "these tribes are not our own flesh and blood and their loyalty is dependent on their belief in our invincibility and in our power and will to defend them" and give them justice, neither can we do so when considering any reforms.

Shatter that belief and if the history of the frontier and the recent events in Peshawar teach us anything they teach that we do so at a very great cost. So most surely is it the case with the Police. Their loyalty has been due to their complete trust in the impartiality of their British officers and their belief in their power and will to defend them. It has also been due to their belief in the same impartial treatment "as between creeds and castes, sects and parties."

The confidence of the people in the police, as well as in the Judiciary, has been due to the same causes. Their only real safeguard, as it is the only real safeguard I know of for the peace of the border, has been the reality of British control and it is this that has been the cause of their confidence.

The confidence of both has been shaken and I am convinced that neither the Police, who are being transferred without having had any real say in the matter, or the masses of the people, view the possibility of such a transfer with anything but the gravest misgivings.

Knowing how, even on the frontier, ex-soldiers and other Government servants

were sometimes victimised "not necessarily by any open act or series of act" but by insidious means which are only understandable to those who know the East, I can see little hope that, once their confidence in our ability and will to defend them has been shattered, they will not become the plaything of political and communal factions.

Their morale shattered, their confidence gone, and the confidence of the people in the force on which their welfare so greatly depends, the doors of lawlessness and anarchy will be opened wide.

"In politics experiments generally lead to revolution" once said Disraeli. Experiments may possibly be tried in India proper, although even there the attendant risks are very great, but to try them on the frontier where if anywhere it should be a case of "Tamper not with the civil order where the fires of destruction lie so close beneath the surface," and against the warnings of history, would seem to be nothing short of madness.

The peace of the border dependent on the closest co-operation between all the links in the chain we have already weakened every link. And now not content with this we propose to run the risk of shattering probably the most important link of all—the Police force.

Yet the tribes on the frontier are sitting on the fence waiting and watching, as they have ever done, for the slightest signs of weakness on the part of the authorities for "Let the central authority for whatever cause become weak, or be believed to have become weak and the fringe celebrates it with an orgy of self will, for the tribesman, with his rifle at his side, is governable only so long as he is convinced of his rulers power and will to govern, as well as that rulers desire for his welfare."

BERTRAM THOMAS

#### MEMORANDUM 80 BY MR. F. F. LYALL, C.I.E.

I desire to make my personal note as concise as possible.

##### *Views of the Civil Service and Police.*

Unfortunately there has been a tendency, accentuated during the last 10 years, for the Civil Service to get divided into sets—the Secretariat man and the District Officer.

It has further been unfortunate that the Secretariat Officer has, with comparatively rare exceptions, not had to go back to Districts from time to time where he would come up against the realities of administration outside the headquarters stations.

The Secretariat is constantly being affected by the political impulses which



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are sent out from England, and it soon became patent that Secretariat life, with all its amenities of society, comfortable houses and absence of direct responsibility for the maintenance of law and order and the daily drudgery of administration work, were only open to those who could see eye to eye with the policy laid down in England that democratic institutions were to be introduced and developed.

The District Officer almost to a man warned the Government that the policy inaugurated was fraught with terrible danger. It led to a situation where British administration was openly attacked and villified, mass meetings were held, communal jealousies roused and District Officers in many cases ordered not to take action in regard to prominent offenders, but to deal only with the lesser fry responsible for disturbances.

It was inevitable in these circumstances that the District Officer should see more eye to eye with the Police than with the Secretariat, and that the whole administration has not already broken down is a marvellous tribute to the loyalty of the Indian Police to their Officers and to the co-operation between District Officials in the Mufassal.

I sketch this general outline merely to put on record my emphatic belief that it is not correct to say that these reforms have the support of the overwhelming mass of official opinion in India.

I may add that I have made it my business recently to discuss the present situation with Officers who have just returned from Behar, Orissa and Bengal. The loneliness of a Bengal Officer and the courage required to administer a Bengal District at the time when James Peddic and Douglas were murdered is beyond imagination. As a body we all recognised that our lives might at any time be taken, and, while we regarded this as merely an incident of our daily service, so long as the sacrifice was to be in support of the welfare of the masses of India, to my certain knowledge large numbers of Englishmen have resigned as the only means by which they could bring home to the British Government that they were not prepared to be exposed to such sacrifice when the policy being put into force was a surrender of power to a small and hostile minority of the educated classes.

I may add that I have been assured by Bengal Officers that the change since the restoration of law and order has been miraculous, but to me it seems futile to have taken this stand if it is only to lead to a legalised surrender to those very forces which brought about the massacre at Cawnpore.

I desire further to place on record that the majority of Indians who are supporting these reforms are convinced in their heart of hearts that they have gone far further than the dictates of prudence would allow. Here too, owing to the policy that has been adopted, there has been a great deal of moulding of Indian opinion, all tending to a profession not a conviction of support of the White Paper policy.

Those of us who have spent their lives in India know that every day we are told by people that the view they publicly profess is one which they have to profess either from fear or from disinclination to confess that Indians have not yet become a nation at all, still less a nation old enough to take over the reins of government of a vast Continent like India.

It is my personal belief that the responsibility for shaping India's destiny must lie for at least the next 50 years with this country, and political clamour is the least of all justifications for our surrendering that responsibility. If the responsibility is ours it follows inevitably that we must keep powers to discharge that responsibility, and this I emphatically assert cannot be done under this White Paper scheme.

As regards voting, I have seen these elections in their infancy and have heard of their developments. In no sense could they possibly achieve what the ballot box is supposed to confer on a free people. Intimidation, bribery and the influences of social boycott are unashamedly resorted to, and as District and other officials come more and more, as they must come more and more, under the influence of electoral majorities, these evils will grow at an alarming pace. Such standards of the baseness of all corruption as do exist in India are imposed by the standard of the Englishman and they will survive only as long as he is there, whether as a superior or as a colleague in seeing them put into effect.

I have no hesitation in asserting that the practical sympathy and service of a joint Indian and British team which

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administered India up to the period when these reforms were introduced have achieved and will achieve infinitely more in attaining the prosperity, contentment and happiness of the Indian Continent than all the idealism which it is now sought to substitute for them.

It has been asserted that even a halt in the present policy will so embitter the Indian nation that it is impossible to do anything but hand over more power. It is the firm conviction of practically every District Officer and Policeman that were the Government to state the simple

truth that the history of the past 10 years has been one of failure, and that, before any further devolution is resorted to, they propose to exact proofs of goodwill and co-operation from Indian politicians and break any organisation which openly asserts its intention of breaking all connection with the British Empire, we should rally to our side a vast number of loyal Indians who know that their safety and contentment are inseparable from a guiding and directing control by this country in the affairs of India.

MEMORANDUM 81 BY WARIS AMEER ALI, I.C.S. (retired), late  
District and Sessions Judge, Agra and Oudh.

The twin supports upholding the elementary decencies of civil government in India are the Law Courts and the Police. As part of the impending constitutional changes, it is proposed to transfer these departments to the control of Ministers in the Provinces subject to elected legislatures. The peace and good order of the Indian countryside depend far more on the efficient, smooth, and impartial working of the Courts and the Police, than is usually realised even by those who have lived for long periods in Indian towns. The Law Courts bulk far more in the life of the average Indian peasant than they do in that of the British working man. The Revenue Courts deal with many matters such as recording of title and tenure, boundary disputes, surveys, etc., which in these Islands would not come into Court at all; the Civil Courts deal with the many transactions of a community where banking is in its infancy; while the Criminal Courts deal with many disputes of a tortious character that arises among an over-crowded rural population. They also deal with the many serious crimes that arise from the actions of professional or hereditary criminals, or the unfortunate acts of excitable people living in a climate of extremes. The elementary needs of the average rural Indian (forming nine-tenths of all the population) are the just, reasonable and speedy settlement of disputes; protection from extortion or oppression by petty office holders, landlords, usurers and others; protection from personal enemies, from the activities of local bullies (cutters of other people's crops and graziers therein, etc.), and from

violent criminals. For a period varying from 75 to 150 years, the British Indian peasant has been accustomed to expect standards of British justice in the Courts, and to the actions of a police force which, if not perfect, has improved beyond measure, and compares favourably with those of many Western countries. It is a tribute both to Britons and Indians that the nine-tenths of Indian officers presiding in the Courts, and the vastly greater proportion of Indian officers and men in the Police, have in great measure responded to modern demands. Of late years in some provinces, Indian gentlemen have satisfactorily held charge of the Police Department, but they were not subject to removal from office by a vote of the House. It will be a totally different matter when an elected Minister, possibly a professional politician, holds charge subject to a vote of a House, elected by as yet untrained voters exposed to the gusts of popular prejudice and passion, and to the intrigues which will be rife to support one side or the other, either in personal disputes or in quarrels between communities.

It must not be forgotten that the administration of justice and the maintenance of public order have for thousands of years in the East, been considered a peculiar duty of the Sovereign. There is nothing analogous to the popular duties of maintaining the King's peace imposed by the British common law. There are no Watch Committees in Indian local bodies, with the duty of controlling the local constabulary. In fact crime has always been so far-reaching and widespread, even before the days

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of railways and roads, that such bodies would be unable to function.

Under the proposed form of provincial autonomy, Indian Ministers will be pestered in the numerous ways known in the East by litigants with a vote, or remotely related to a voter possessing the slightest influence with the local member. He will also be pestered by the relations, friends, and supporters of anyone unlucky enough to come into contact with the criminal law; or possessing a tenant, servant, or relation who comes under the notice of the Police.

What will be the result? The majority of conscientious Indian presiding officers of Courts will find serious difficulty in dealing with cases where they realise that someone has gone behind their backs to the Minister, who will not hesitate to accuse them of partiality. The Indian officer running counter to a Minister's or a Member's wishes, will probably find his promotion blocked by a black mark against him on some vague allegation that he has had no chance of refuting. He will in the nearer future find himself transferred "in the public interest" to an unhealthy and unpopular station where he dare not take his family. In other words it will require a man with a very strong mind to run the risk of countering any person with a political pull.

What will be the effect on the common people? It will be found useless by any of them to go to law against, or to resist a claim by any one with a political pull. The strong man, or one with powerful or turbulent friends, will take the law into his own hands, and murder and arson will be the result. As for the weaker, their name is legion. Their resentment will simmer to boiling point, which will be reached far sooner among British Indian peasants accustomed to the old British standards, than among the long suffering and feudally loyal subjects of States such as Kashmir and Alwar. Each of these States with small populations required the intervention of the best part of a brigade of troops, and the resumption of the administration by highly trained British officials, to cope with popular outburst against maladministration and extravagance. Where will these officials be found in future?

The result of the transfer of control over the Police to an elected Minister as opposed to an Executive Counsellor, will be even more rapid and disastrous. On the civil Police, scattered in stations

by tens or dozens at about 20 or 30 miles distance, depends the surveillance and control of the very dangerous and lawless class of criminal that has always existed in the East. Every traveller in India, from the Chinese pilgrims to those in the early days of British rule, remarked on the insecurity of life and property outside the large towns, owing to the persistence of criminals, who often sanctified their depredations by murder in honour of the Hindu god of destruction Shiva and his consort Kali. The same tendencies persist to-day. It is stated with reason that even now in many parts a serious reversion is taking place in the matter of the security of life and property. If the criminal Courts do not function the Police are helpless, however honest and efficient they may be. If the Police do not function, the criminal Courts are equally helpless. When both even partially break down, the social order will collapse.

It will be said that the ultimate safeguard, the Army in India, is to be retained by the representative of the Crown. It has been forgotten that the Indian portion of the Army is drawn from the peasantry, and will be very seriously affected by resentment amongst their peasant relations directed against the paramount power, which will be considered as allowing this state of things to come to pass. There is, moreover, every likelihood that the Army will be mobilised to stop the infiltration of border raiders, which no amount of air action will be able to block, as was shown at Peshawar in 1930. Internal communications will have to be preserved, and for this the co-operation of the Police is essential, but will not be forthcoming from a demoralised force.

Nor will such "intelligence" as is required to restore order in the immense tracts of rural India. Nor can an army restore the morale of or recreate an expert cadre of civil officials such as is absolutely necessary for the daily needs of administration among the many and varied peoples of India, with different laws, customs, and tenures.

In addition to the danger of rapid paralysis, is that of malignant disease of the body politic by a return to the administrative habits and standards of former days. I would be the last to decry the devoted and honest services performed under often unimaginable conditions of housing and office accommodation by my Indian fellow countrymen and fellow officers. But it must always

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be remembered that there is as yet in India no such common standard of conduct as is imparted, perhaps, by the British Public or Secondary school, and that there are weaker vessels amongst all nationalities and in all walks of life. A relaxation of discipline, and demoralisation higher up, will have a most adverse effect upon such men. Even a forecast of it has already produced serious results in some of the Courts of my former province, and it is solely owing to the magnificent discipline and esprit de corps of the Police force that grave deterioration has not yet commenced in it for the same reason.

I conclude by venturing on the opinion that the transfer of the control of the Courts and the Police, whether in the form of "the direction of policy," or in addition by interference with the internal discipline, promotion, and posting of personnel; can only lead to the collapse of the twin props of the social order at a nearer date than many expect, with widespread and disastrous consequences to the Empire. The reply will be that if this is withheld, it will not mean full provincial autonomy. I can only assure the Committee that many Indian gentlemen who are loudest in clamouring for full provincial autonomy in response to the fashionable captions of the day, in private express extreme apprehension of the consequences of the present policy if carried to its logical conclusion. The compromise suggested in the Simon Report, the appointment of an official not liable to fall with the Cabinet to hold charge of these departments, does not seem sufficient to meet the case. He will be neither one thing nor the other. He will be harried by disappointed Members of the legislature, and will have pressure brought to bear on him by a Governor presumably ignorant of Indian conditions, to satisfy the claims of individuals or a section of the House. In other words he will be just as much subject to the consequences of intrigue as an elected Minister. With all respect, the only solution seems to be the definite reservation of control over these departments to the Governor. It is suggested that the appointment of a Deputy Governor, be he British or be he Indian, an expert district as opposed to Secretariat official from one of the Imperial services; will be of immense advantage to assist a

Governor from England without knowledge of Indian conditions in the control of these departments, and to officiate for him when he is absent from headquarters or on leave.

If the Governor of a Province is not in charge of the Police force, he will be unable to get any official information on events likely to affect the public peace and other branches of police work, except by the acquiescence and with the co-operation of the Minister in charge of the portfolio. He may thus be kept in complete ignorance of situations which would lead to dangerous repercussions.

The Governor's eyes and ears will thus be his Private Secretary and A.D.C.'s.

The whole machinery of the provincial administration apart from these functions, would be transferred to elected Ministers. It is surely not too much to ask them to rest content with this for the time being, and with the inclusion of the great and ancient land Revenue system intimately affecting every one of the population; pending such time as the new system has been proved to function with reasonable efficiency and honesty, and until the effect of the addition of large numbers of voters, and the possible access to power of the Congress in certain Provinces, had had time to be observed. A collapse in other branches of the administration will not have the same far-reaching and disastrous effect as the collapse of the essentials of the social order.

In submitting the above memorandum to the Joint Select Committee I am actuated by no other desire than the greatest good of the greatest number of the common people of India of all nationalities and creeds, whom I have served for long, with whom I have had unusual opportunities of friendly association, and amongst whom in their own countryside every spare moment of my time was spent.

A forebear of your deponent entered India as a conqueror along with a blood-thirsty army, others took part in terrible events during the anarchy between the fall of the Moguls and the foundation of British rule. His one desire is that his fellow countrymen should not be in danger once more of a repetition of a tithe of the horrors which beset India a century ago, and which are now driving China to distraction.

6<sup>o</sup> Octobris, 1933 ]

[Continued.]

## MEMORANDUM 82 BY MR. O. C. G. HAYTER.

The inability of India to support a system of Law and Order on a democratic basis does not result from failings of character of the Indian peoples but from geographical and historical circumstances, as in many lands, which have operated against the growth of a common united police sense or power of co-operation. The chief factors have been the development of very numerous castes (including the persistence of various tribes as tribal castes) and the Islamic invasions. Apart from comparatively few enlightened individuals, men are concerned only about wrongs done to those of their own creed, caste or tribe. A common feeling against aggression, outside these limits, only applies to some extent to the village unit, of which there are over half a million in India. Villagers do resent attack upon any of their own village, whatever their caste, by those of another village. It is only within the village that an indigenous police system exists and that only in some Provinces. It was not found possible to co-ordinate this element with the regular police forces introduced after 1860, nor with the local so-called self-governing bodies on an English pattern introduced some twenty years later, which had no concern with Law and Order at all, and have none to this day. Thus, the present proposal to entrust Law and Order to Ministers responsible to elected majorities imposes something new, from above and from outside, for which the peoples of India have had no training, no education, no experience. Moreover it is bound to shake the confidence of the people in the expectation of impartial justice, and incline them to take the law into their own hands in an unconstitutional sense.

In spite of all the difficulties in training and maintaining a vast police force, which should be true to its duty, under officers who begin their career in a country quite strange to them, it is undoubted that the people as a whole have been glad of the police under the British system. This is wholly due to the confidence people felt in impartial treatment, as between creeds and castes, sects and parties. When a police station is closed, all the people of the neighbourhood protest. Even where there are but a couple of constables, of no high standard, these have the reputation of agents of a supreme impartial power, which gives them a value to the people

immeasurably greater, perhaps, than that of their personal ability. Nothing strikes a police officer more than this fact.

Once it becomes part of the mind of the people that power and influence has passed to the elected men of a communal majority, all this confidence of the ordinary inhabitants in impartial action will vanish, and the fear felt by dacoits and other criminals for this impartial justice will vanish also. Dacoity, Thaggi, cattle-theft and other crime has often been carried on by gangs under the protection of influential persons. There can be no safeguard against this, if local power and prestige decays. Instructions to the Governors will not avail. The people will know nothing of them. They will be made to feel, by many interested persons, that the small groups of policemen in wide areas (perhaps wild areas), who used to mean so much, no longer mean anything. If the people feel that, the police no longer will mean anything, and no instructions to Governors will cause them to mean anything.

To impose the exotic arrangement of "responsibility," remotely and incomprehensibly, from above is no way to teach the people to identify themselves with police administration. The only right way is to teach them locally, from below.

The objections to transfer from a police officer's point of view are, briefly—

1. The force will suffer from political interference. Hindu and Muslim politicians have already made requests for a definite proportion of recruitment for their co-religionists.

2. Reputation for impartiality will be lost and with it the confidence of the people.

3. Indian politicians constantly speak as if police were not a "nation-building" department—quite the contrary of our feeling in England. On this account, elected majorities will starve the police of funds and will not be concerned to maintain efficiency.

4. The difficult duty of correct police work on the numerous borders between provinces, States or portions of these, will become impossible, if action has to conform to policies varying or conflicting according to the nature of the political elements which influence them, instead of an

6<sup>o</sup> October, 1933 ]

[Continued]

"All-India" policy at present. For instance, the police of Ambala would obey a Government dominated by Muslims, while their neighbours, the police of Saharanpur would obey a Government dominated by Hindus. This danger applied also to the Punjab district of Gurgaon and the Alwar State.

5 Taking the separation of military and police control as proposed, and the suggestion in the Statutory Commission's Report, Vol. II, Para. 213, it seems that police might well be overwhelmed while the Government of India was beginning to consider whether troops ought to be sent to support them.

6. Conversely, whereas police here tofore have given the Army valuable assistance in emergencies, in recruiting, in guarding communications, and above all in intelligence, their officers will not be able to promise this when the force has passed under a provincial political influence—it may even be that it is to correct this influence that troops are set in motion.

Many doubts and objections to the transfer of Law and Order have been expressed by Local Governments and by Committees elected by the Legislatures or by Members of these. See Statutory Commission's Report, Vol II, Paras 40 and 41.

#### MEMORANDUM 83 BY MR. JUSTICE LE ROSSIGNOL

The White Paper scheme is a gamble on hopes bearing little relation to facts. It is an enormous and incautious advance in the direction which has led India into great unhappiness.

If facts are faced—and before they can be faced, they must be made known—then only can a viable constitution be devised for India.

1. The White Paper ignores or eludes the following facts. Since the introduction of the Reforms, the administration in India is less efficient, more corrupt and far more expensive. These results are directly traceable to the introduction of the democratic system and the diminution of the British element.

It is not sufficiently known or appreciated that wherever in British India Indians have been entrusted with self-government, the results have almost invariably been disastrous. I need mention only Benares, the affairs of which for years past have been a by-word, and Lahore, whose newly elected President in 1929 exposed in self-defence the scandalous state of things obtaining at that date.

2. Representative Government without an informed honest and interested electorate must be a farce, but in India votes are openly bought and sold. One unsuccessful candidate told me that an additional outlay of Rs.5000 would have converted his failure into success.

3. It is not known or if known not recognised, that honest Indians pray to be protected from their connections and to be posted far from the place of their origin. They have to withstand tempta-

tions to which the Englishman is not exposed.

4. The selected Indian, in general, makes an excellent official or judge provided that he has a superior to keep him in the right path and supply the requisite stimulus. Only brilliant exceptions achieve success in the higher ranks. I have known many an excellent subordinate come to grief when given independent power.

5. "Indian Unrest" is an unreal and fictitious thing; it exists only where the politically minded foregather in the towns, in the villages it does not exist. Its main habitat is the Press.

6. The better class of Indian does not want democracy. I know two Indian High Court Judges who will resign if placed under a Minister. These men were not like others I can think of, struggling lawyers appointed through favouritism, etc., but brilliant advocates who exchanged a very lucrative practice for the much smaller emoluments but greater dignity and authority of the Bench.

On the policemen, a much maligned official, reposes the whole administration; if his prisoner to-day is his minister of the morrow, he knows that the minister will not forget him—and he is right.

I regard the proposal to transfer the police and the judiciary to a minister with the *greatest apprehension* and, I make bold to say with all respect, so does the vast majority of officials now serving. Dyarchy was a failure largely because Ministers rightly or wrongly were suspected of favouring their co-religionists. Like a tribunal, a govern-

6<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
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C.I.E., Mr. WARIS AMER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr.  
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ment must not only be impartial, but must also be thought so.

The White Paper sacrifices the welfare of millions of poor men to placate a voluble urban minority, at present incompetent for the task for which they clamour. It also ignores the rights of the British in India; except the aboriginal tribes, all others are "aliens" in India and though the British arrived there some time after the Bengalis, Madrasis, etc., they have done far more for India than any of their predecessors. The entity "India" is not an Indian but a purely British product; without the British cement India as one whole cannot subsist.

In fine, India is a country of poor men requiring a cheap and simple government; it cannot afford democracy which is notoriously expensive and wasteful. In France at this very moment there is a great outcry against the corruption, favouritism and extravagance of the administration. The Indian does not want a vote, he does not know what to do with it, so he sells it. The White Paper hands him over to the political adventurer.

Many crimes have been committed in the name of liberty; my only desire in writing the above is to save the poor Indian from tyranny.

12,289. I understand that General Sir John Shea is prevented from attending to-day?—Yes.

12,290. Are we to address ourselves in the main to you, Colonel Bruce? Is that the arrangement?—Yes.

12,291. No doubt your colleagues, if they desire to answer any questions or a part of any question will do so. Unless you tell me otherwise, I assume that you desire that the Committee should examine you over the whole range of these Memoranda. Is that so?—My Lord Chairman, all the various Members of the Deputation have come from various parts of India, so, perhaps my colleagues may be allowed to reply to questions where they would be possibly able to answer them better than I could, if I may say so. Would that be convenient? That is to say, supposing a question were asked on military problems, I would probably refer to General Sir George MacMunn.

12,292. Please make your own arrangements as you think best?—Thank you.

12,293. Do any of you Gentlemen desire to extend or to correct any of these Memoranda at this stage?—There are a few clerical mistakes on my Memorandum.

12,294. Unless you think those sufficiently important to detain the Committee now, perhaps you would hand them in later on?—Yes. There is only one that I think is of any importance at all, it is on page 16. Instead of "Committees," which is a clerical error, it should be "communities." That is in Memorandum No. 78, paragraph 56—"the various Committees" should be "various communities."

12,295. Do you desire to make any statement before you are examined, Colonel Bruce?—Not specially, I think.

12,296. Does No. 77, which is called a General Memorandum, represent the view of the Society as a whole?—Generally, but most of us have come from very different parts of India, and it was difficult to put it shortly.

12,297. I want at this stage to ask one question, Colonel Bruce. I see in Memorandum 77, in the final paragraph, you say, "The decline"—that is, I suppose, the decline in the efficiency of the Government. Is that what it means?—That is what is meant.

12,298. I am dealing with the last paragraph on the last page of Memorandum 77. You say, "The decline commenced from the day when British politicians endeavoured to endow India with democratic Government." Can you give me approximately the date on which British politicians took that course?—There, we are referring, I think, to about the last 14 or 15 years. I could not give the date exactly. I refer entirely to the Frontier; it is the only place I know, and, it was more or less, from that date. It is very difficult to give the exact date—the date at which, if I may say so, certain concessions were given which had a very great effect. It might be said that actually the Reforms did not affect the Frontier, but the policy of concessions, adopted as a consequence of those Reforms, I think had the result which I have given on pages 13 and 14 of my Memorandum. That is, in so far as the Frontier is concerned. In so far as



6<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [*Continued*.  
Lieut.-General SIR GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
C.I.E., Mr. WARIS AMEER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr.  
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India proper is concerned, I think Mr. Justice Le Rossignol, Mr. Lyall and Mr. Waris Ameer Ali would be able to give better evidence on that point than I could.

12,299. When you say the democratic system of Government, you are thinking there of the representative system?—Not so much so, because on the Frontier, especially in Baluchistan, there is a democratic system, but it is built from the bottom. That is what is known, I think, as the Sandeman System. That is built on the frameworks of the tribal organisation, and, to a certain extent, one might call it a democratic system, but it is built from the bottom.

12,300. That is the indigenous system?—That is the system, which, as a matter of fact, Sir Robert Sandeman did not claim ever to have invented; he claimed to be the disciple of Edwards and Nicholson; but that was a system which one might almost call a democratic system. I think perhaps the easiest way I can put it is to refer to the change of which I spoke on the Frontier. As I say, Mr. Justice Le Rossignol and others would give that evidence better in so far as India proper is concerned. I was frankly amazed with the change I noticed when I went back to Kohat in 1921. I had been away then 6½ years in Baluchistan, and, as to the extent to which our prestige had fallen (I think Sir John Massey and General Sir Andrew Skeen would bear me witness) the tribal area was infested by outlaws; they numbered anything to 300. Raiding, robbery and kidnapping were the order of the day.

12,301. But, you see, you have given me from the district with which you are most familiar an example of the very difficulty which I feel, namely, that of discovering the day on which this, as you think, prime error was committed?—Yes.

12,302. The democratic system in that district according to you was indigenous?—Not in Kohat. It is Baluchistan that I referred to. I went from Baluchistan to Kohat.

12,303. As regards the district with which you are most familiar can you tell me the occasion or the date on which you think what you regard as an error, namely, the introduction of demo-

cratic government, was committed?—When I went to Kohat. A determined effort had to be made, as I thought, to deal with the outlaw menace and to find out what was the cause of the trouble. I had come there from Baluchistan, so I date this as May, 1921. I considered that the fault, if I may say so, lay with the weakening of the frameworks, as to which Marshal Lyautey, if I may quote him, stated "In every tribe there are existing frameworks, to do away with which must lead to anarchy." I think it was because a distinct axe had been put at these frameworks that the result was a state of lawlessness. The effort that was now made was to resuscitate and repair the influence of the headman which had been distinctly weakened. If I may be allowed to give a very few statistics, I think they will show that probably that was very greatly the reason. Whereas in 1919 and 1920 kidnapped persons had numbered 161 and 100 respectively, in 1921 and 1922 they fell to 37 and 17 (I am only taking the more serious crimes). Murders, which had been 101 and 86 in 1920 and 1921 fell to 47. Dacoities from 68 to 27 and in the following year to 15; and out of the 300 outlaws no less than about 260 were either killed, surrendered or were captured, and the Judicial Commissioner was good enough to describe the results as practically constituting a record. The same results occurred in Dera Ismal Khan.

12,304. You are dealing now with the very special problems of the Frontier districts?—Yes; I know no others.

12,305. Have you yourself experience of other parts of India?—No. I have served my time on the Frontier for 35 years and my father before me for 35 years. My only other, if I may call it so, civil work at all, was famine duty in the Bhil country in 1899.

Sir Austen Chamberlain.

12,306. My Lord Chairman, I do not want at this stage at any rate to ask any questions on the separate Memoranda, but I should like, if I could, to get a clear idea of the general position taken up by these gentlemen who are before us to-day in common. Am I right in supposing that the implication of the

6<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
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paragraph about which the Lord Chairman has been questioning you, is that you think the conditions in India have deteriorated from the time of the Montagu-Chelmsford Reforms?—Insofar as the Frontier is concerned?

12,307. No. I do not want an answer which deals only with the Frontier. You have submitted a general memorandum?—Yes; I agree.

12,308. And your colleagues agree?—Yes.

12,309. That is really without pledging you to a particular day?—It is quite impossible to put a particular day.

12,310. Without pledging you to a particular day the general view of the witnesses is that a deterioration set in from the time of the Montagu-Chelmsford Reforms. Is that so?—Yes.

12,311. Do I understand that you are therefore opposed to any further progress upon the same lines as those Reforms?—Not in the association of Indians which has been going on. That would naturally continue as it has been doing for years past. I do not know whether that is what you refer to.

12,312. Is your view that any Indians associated in the Government of India should be selected by the Government and owe their position solely to their appointment by the Government?—I think selection has been very successful, and I view the other rather with misgiving. I think we all do.

12,313. I am only trying to find out exactly what your general attitude is?—Yes.

12,314. As I understand from your answers and from your Memorandum you are opposed to the establishment of representative Government in any form in any part of India? Is that so or not?—In advance of the present position. I think we want to go very slowly and to feel every step.

12,315. You regret the change which has already taken place in that direction, and attribute the deterioration which you perceive to that change, as I understand?—I regret it from the point of view of the masses in India who have suffered very much from lawlessness. This I put down to concessions.

12,316. Then am I right in saying that you regard the whole system of the

Montagu-Chelmsford reforms as a mistake in the interests of the people of India?—The result on the poor people I consider was very bad.

12,317. And you are unwilling to see any extension on those lines at the present time?—On those lines.

12,318. Or on any lines which involve the choice of members of the Indian administration by the people of India as distinguished from a system of selection by the Governor?—It is a little difficult for me to answer that. I should prefer if I might (because that system is more down-country) that Mr. Justice Rossignol and Mr. Lyall should answer because they have seen it.

12,319. Perhaps one of them would be good enough to answer my question. I may perhaps be allowed to repeat that what I am trying to get is your general view of the course which Indian reform should or should not take—not a view particular to a special province or to a special service?—That is rather my difficulty that India is so very different, and I have served only in one part; but, generally speaking, that is our view.

12,320. Would one of the gentlemen you have named try to answer my question?—(Mr. Justice Le Rossignol.) Mr. Lyall and myself consider that India in its present condition is not fit for any further extension of the democratic principle; that is, at the present moment; because we have not an interested and an informed electorate, and, if you have not an informed electorate, then democratic government is a mere farce.

12,321. Then the evidence you have come to offer is not really in support of detailed amendments to the scheme of the White Paper, but is in opposition to the very principles of that scheme?—Yes. (Mr. Lyall.) I should like to qualify that to a very small extent indeed. I consider that when this democratic system was introduced into India it made it inevitable that the point of view put before the electorate should be anti-Government, and from that period there has grown up a constant increasing attack upon Central authority. All of us who have been in India are most desirous of implementing the promises that were made to India. At the same time most of us have held the opinion that in implementing these promises we should see the results of the action taken, and.

6<sup>o</sup> *Octobris*, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
Lieut.-General SIR GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
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where those results would seem to show that there had been dangers and pitfalls which must be avoided, we think that action ought to be taken either to slow down or to change the steps that have been taken.

Earl Winterton.] May I interpose? It is following the usual practice. If the practice is to be reversed I will adhere to it. I only want to get clear what the answer to the question was.

Chairman.] I think it is for the convenience of all that supplementary questions should be asked. Perhaps the noble Lord will put his question.

Earl Winterton.

12,322. I understood Sir Austen to ask the previous witness whether he accepted the White Paper or not, and the previous witness gave an answer. Then Mr. Justice Le Rossignol answered, and one of the witnesses, Mr. Lyall, said he would like to qualify that, but I understood his answer to refer to the present system. When he talks of slowing down he means the present system and not the White Paper?—In my opinion the White Paper is a further development of the present system in a direction which is markedly dangerous.

Sir Austen Chamberlain.

12,323. Am I right then in finally concluding that no amendments of the White Paper scheme could make it acceptable to you? You think it is inherently based on wrong principles, and no minor modifications, or even considerable amendments would make it acceptable to you?—That is going a very long way. We recognise that a very great deal has been done up to date in India, but we have to accept the *fait accompli* whatever it is, and, although many of us do have these profound misgivings as to the introduction of the electoral system in India, we consider that in its further application the very greatest circumspection should be used in seeing that no further step is taken without being sure that the last one is on sure ground.

12,324. I am still left in doubt as to what is the general attitude. Are you pleading for a further experience of the present system before any changes are made?—I should say most certainly.

Sir Austen Chamberlain.] I think that is as far as I ought to question the witness.

Lord Irwin.

12,325. Pursuing that, if I may, a little bit from another angle, the view of the Indian Empire Society, which the witnesses represent, is that from their point of view it is difficult to put up any proposal more practical to the Committee this morning than that they should look with caution upon any suggestion of extending the present system?—(Lieut.-Colonel Bruce.) The Indian Empire Society which we represent has already put up suggestions, but the general attitude is as you describe it—to go slow.

12,326. You do not feel the difficulty, from your point of view, in what seems to be a position perhaps that makes, from your point of view again, the worst of both worlds. Your papers very forcibly suggest that the democratic system, as Sir Austen has invited you to follow him in pointing out, is at the bottom of the trouble in India, meaning worse administration, and so on?—(Mr. Lyall.) I think most of us frankly think that it is, but we have to accept facts as they are.

12,327. The only point that I was putting to you is this, that on the assumption that the democratic system means a worse administration, and that the present establishment of the democratic system, if I may use the phrase, does not seem to give any great political satisfaction to Indians, are we not in the unhappy state of making the worst of both worlds? We have, from your point of view, very bad administration. We have also great absence of political contentment. Ought we not, on that argument, to make up our minds which we want, and do one or other?—(Mr. Justice Le Rossignol.) We should not forget the interests of the masses. That is our reply.

12,328. That I entirely appreciate, but that would seem to me to be a good argument from your own point of view for not being too much affected by the political aspect. However, I must not pursue that further. You say in the General Memorandum (No. 77) "We regard all safeguards as worthless." Might I ask Colonel Bruce, or whichever of the witnesses will answer, the question, what is the ground that leads them to make so positive an assertion?—(Lieut.-Colonel C. E. Bruce.) Mr. Hayter

6<sup>o</sup> *Octobris*, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [*Continued*.  
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would like to answer that. Mr. Hayter was in the Police. (Mr. Hayter.) I think that security in India for peace really depends entirely on moral and psychological factors, and that if such a state of affairs came about that the public confidence of the people all over the country was shaken in the power of governments and their impartiality there would be, I might say, such a landslide of psychological feeling of a very dangerous kind that nothing that could be called a mechanical measure would have any effect, and I regard the safeguards as all mechanical measures. They might be very well thought out in themselves and of the best kind in that sense, but their effect would not reach the people and prevent their confidence in the continuance of peace from disappearing altogether.

12,329. Why I was a little puzzled with that statement was because of the assertion that is made three lines lower down that the only reality is power; and it occurred to me as I read it that if the Crown is reserving, as is proposed under the White Paper, the Defence Forces, and if those are under the hand of the Crown Representative, it would seem to me that there was a pretty substantial backing for what you call the mechanical safeguards?—If I may say so, in my view and in my experience, whatever power there were, it must depend upon the general feeling of the people all over the country. (Mr. Lyall.) Might I amplify that, Sir? We do not think that power is purely military power nor that mere military power directed by a Viceroy can ever have an adequate effect in the administration of India. We think that the power must vest right through the whole of the administration, giving the Viceroy information and knowledge and contact with the vast continent that he has to rule, whereas the military power is only a thing that is called in when grave dangers occur; but we should like the reality of power to be left in the British Representative for a further period of years and very strongly vested in him.

12,330. In other words, we come back there, do we not, to the same kind of argument that you were developing in reply to Sir Austen Chamberlain?—(Lieut.-Colonel C. E. Bruce.) Yes.

12,331. I have only one other question, my Lord Chairman. I was a little uncertain as to what was meant by the next paragraph, paragraph 9 of Memorandum No. 77, in which you say "We ask the Committee to advise that Parliament shall not divest itself of power," etc., and you conclude by saying "Such power can be retained by an insertion in the Act of the right of Parliament to resume control." It will not have escaped your notice that the White Paper does include a very definite provision that would operate in the event of a breakdown of the constitution Proposal No. 55. Does that not go any way to meet the point you have in mind?—(Mr. Lyall.) We think that before that stage is reached there will probably have been a most dangerous denudation of power, a most dangerous throwing off of power to an extent more than is safe.

12,332. In other words, that before you had reached what might properly be called a breakdown in the constitution a state of affairs might have arisen in which things would evidently be moving badly and Parliament ought to do something about it?—Yes.

Lord Hardinge of Penshurst.

12,333. I should like to ask Mr. Justice Le Rossignol one or two questions in connection with his Memorandum No. 83. Paragraph 2 says: "Representative Government without an informed, honest and interested electorate must be a farce, but in India votes are openly bought and sold. One unsuccessful candidate told me that an additional outlay of Rs.5,000 would have converted his failure into success." What I would like to ask you is: Is that an isolated instance, or have you knowledge from your experience of other similar cases?—(Mr. Justice Le Rossignol.) That is one definite instance that was brought to my notice, but that is the general opinion throughout the Punjab.

12,334. You have not got any corroboration of any others?—No.

12,335. Merely general opinion?—Yes. As I was on the judicial side, of course, I was not interested in these matters. I was not brought into contact with election matters very closely.

12,336. In the third paragraph it says: "It is not known or if known

6<sup>o</sup> October, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
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not recognised, that honest Indians pray to be protected from their connections and to be posted far from the place of their origin." Protection from what?—Protection from their connections.

12,337. But for what—on what ground?—Because they wish to be protected from what is known as "sifarish," that is, importunities. Their friends and relatives and friends of their relatives come to ask them for favours which they cannot legitimately grant

12,338. Demands for concessions?—Yes.

12,339. I would like to ask Mr. Lyall one or two questions. In paragraph 4 of Memorandum 80 it states that "mass meetings were held, communal jealousies roused and District Officers in many cases ordered not to take action in regard to prominent offenders, but to deal only with the lesser fry responsible for disturbances." Does that imply that the orders came from Simla?—(Mr. Lyall.) Yes.

12,340. Do you know of any definite instances to that effect?—I do.

12,341. Would you give one of them?—Shortly after I returned to India after the War there was a circular sent round by the Government of India saying that District Officers were not to deal with Mr. Gandhi.

12,342. Mr. Gandhi was not in your Province?—That is perfectly true. He however toured all over India and on several occasions did a great deal in our Province. The point that I wished to make in regard to that was that District Officers were not allowed to deal with the law as the law irrespective of personalities, but had to subordinate the absolutely impartial administration of justice to personalities. That was my objection.

12,343. But did that prohibition or instruction apply simply to Mr. Gandhi?—Mind you, it is a very long time ago, I have not seen the memorandum since, but my memory is that it mentioned him particularly and certain other leaders who were either referred to generically or otherwise by name.

Sir Hari Singh Gour.

12,344. In what year was that circular issued?—I imagine it was about 1921 or 1922.

Lord Hardinge of Penshurst.

12,345. On page 2 of Mr. Lyall's Memorandum No. 80, it says "to my certain knowledge large numbers of Englishmen have resigned as the only means by which they could bring home to the British Government that they were not prepared to be exposed to such sacrifice when the policy being put into force was a surrender of power to a small and hostile minority of the educated classes." Did these gentlemen not give their reasons to their superior officers?—That I cannot say, but I know men have told me that they could not serve under the new regulations; and, of course, it is patent to everybody that that was so, because an offer was made to the Service in general to resign under special conditions if it was desired to, and that was availed of.

12,346. As Lieut.-General Sir George MacMunn is the first military officer of any rank who has appeared before us, I would like to put to him just one or two questions. Was Sir George MacMunn in India in 1919?—(Sir George MacMunn.) Yes, I was. I was on my way to take over the command of Mesopotamia, and I was up in Delhi and Simla just when the trouble was beginning, but I was not in an official position in India till the beginning of 1920

12,347. I will not put the question that I was going to ask, but I would like to ask him this as a general question: Would the surrender of the telegraphs and railways to an Indian Government prejudice the provision of the Defence Forces?—I think so. I do not see how you can move your troops if you run the risk of a very severe strike which was threatening in 1919, or, if you have a railway personnel who may be entirely influenced by a movement of hysteria or revolution, which we saw breaking out in 1919. I happen to know that my predecessor, Sir Edward Altham was, by the merest chance, in 1919 down the line when it was brought to his notice that there was an outbreak among all the railway officials, both in force and in strike, to come out a day or two later. The wires were cut. He managed to get an engine to take him 200 or 300 miles before he could get in touch with the Government of India and inform them so. Where there is any possibility of that sort of thing ever happening you

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cannot move your troops; you cannot assist the civil community; your Government, however it is being run, is paralysed. Therefore, it seems essential that some measures should be preserved to allow both the Provincial Governments and the Central Government to keep sufficient control over this enormous system of railways without which the preservation of law and order would be impossible. What those measures may be I do not pretend to say off-hand, but there are certain obvious things necessary.

12,348. Is it a fact that in 1919 the Punjab Government asked for Anglo-Indians to replace disloyal Indians in the telegraphs?—I am afraid I do not know. I was not actually in charge in 1919 and I do not know what happened. I have only heard by hearsay; but I do know from my general knowledge that the problem was an extremely difficult one. One had to find reliable drivers and guards to get troop trains about when there was a period of excitement.

12,349. Therefore, you think it would be dangerous to hand over the railways and telegraphs?—I think it would be unwise not to keep a certain amount of control which people with power and good-will can obtain. That is to say, I should be very chary of having an entirely Indian personnel on the railways who might be affected by local excitement.

12,350. I am going to ask you another kind of question with regard to the Indianised regiments. I have been told by very high military authorities that the Indianised regiments will be regarded only as second line troops. Is that your opinion?—Nobody knows yet. The Indianised regiments as they stand at present are of course only partially Indianised and the officers are only rising up gradually to responsibility. I have just come from India; I have been there all this spring. The Commander-in-Chief told me himself of the wastage in the young Indians, who were very charming boys, when they arrived; they could not be nicer or keener boys. Every year they leave Sandhurst, and, instead of there being an improvement, there is a little bit of deterioration; and the wastage, I think he told me, was 60 per cent, and, possibly from the method of selection; at present the boys drift away to soft jobs. They do not realise

that regimental life is a very hard life and a dull one; a nice mess table and a red coat do not compensate unless you are a soldier and can go through with it; so the tendency is to drift away to soft jobs. On the other hand, there are a certain number of Indians who may come to any rank in due course; therefore, in that connection I should say possibly we are not quite striking the right stratum, we have not got far enough with the experiment. What I should like to say is that the British officers of the regiments are taking immense trouble to make it a very great success, and I was charmed with the attitude I saw. I have talked to a good many young Indian officers, I also went down to Woolwich to see the Indian cadets who were there; speaking generally, the helping hand has been very great; and though the wastage is heavy, I think the opinion was that a certain number would come through successfully, always assuming that efficiency is insisted on; there is not going to be any question of keeping on a "rotter", if I may use colloquial language. A certain number of Indians, it may be a very increasing number—are going to come through to efficiency, but what it is going to be when it gets further nobody knows. I happen to have some experience of State troops, and though I was impressed up to a point with their efficiency and their zeal, yet the question of responsibility is always a difficult one, and perhaps more so there than it is here. But, as I say, as an experiment it must go through very slowly and steadily and you are going to get certain results—how good nobody can tell you yet. That was my own view after talking to people.

Lord Hardinge of Penshurst.] I am sure we are all very much obliged to you, General, for the interesting statement you have made. I have no further questions to ask.

Earl of Derby.

12,351. I want to ask Colonel Bruce just two questions. You said "if the framework was destroyed", Colonel Bruce?—Yes.

12,352. I do not quite understand what you mean by "framework"?—I should like to elaborate that a good deal if I may, because on that I rather base a very great deal of my argument—the framework of the tribes. Each tribe, whether



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across the Border or inside the Districts, is divided up rather like an old Highland Clan into clans, tribes, sections and sub-sections. Each have their own tribal clan, leaders, and, in the Districts, each village has its own headman or headmen, varying naturally in importance as to which of the other categories to which I have referred they should be classed in. These headmen form the frameworks of the tribal organisations. These are the natural leaders of the tribes, and they depend for their authority on heredity and the personality of the men themselves. Now, across the Border, in the North-West Frontier, in tribal territory, practically none of the headmen are literate, they cannot sign their names—and in Baluchistan, very very few. Even in the North-West Frontier Province Districts it would be, I think, little exaggeration to say that even up to now this still applies to the great majority. I think that is a very important point, that the natural leaders of the people are illiterate; and also the fact that the natural leaders of the tribal organisation, unfortunately probably, did not look upon education as the only road to success, nor did they see why it should make them better able to control their tribes. That is the reason why, if I may say so, the politically-minded and the natural leaders of the tribe tended to be against each other which I will, if I may, elaborate a little because I think it is very important. Their prejudice against education was unfortunately added to by the fact that the few people who had their sons educated were not very satisfied with the results. "All that your education has done"—I am merely putting the tribal point—"is to make my son despise his father, and his father and the tribe despise the son. You have unfitted him for any other work except a Government job and that you seem unable or unwilling to give him. What then is the good of your very much vaunted education?" I am merely giving what the tribal leaders say. Now, by that, gradually I am afraid there was a natural tendency for the natural leaders of the tribe to be up against the politically-minded party, if I may use the expression. In Baluchistan, the headmen still have, because it was built up from the frameworks of the tribal

organisation, a very great deal of power, and they use it on the whole very well, but, in the North-West Frontier, owing to the concessions which were made to the politically-minded who were against the natural tribal leaders—I think it is perfectly natural for them to be so—one was educated and the other was uneducated—they said: "Why should these people who are put in charge of us be better able to look after our tribes than we." Now, their power has been very much increased in different places.

12,353. That quite answers my question as to what you meant by the framework; but you say that these headmen have their position by heredity, but they have no statutory power at all?—They have a great deal of power, depending very often on their personality.

12,354. Quite, personality and heredity, but no statutory power at all?—It was a very distinctly recognised power in the tribe.

12,355. But the effect of education was to make the educated men think politically and then, apparently, despise the headmen and the headmen despised them. I am only saying what I think you told me?—Yes.

12,356. Then, what I understood you to say was that you gave these men no real opening—you gave them no positions at all?—It was very difficult. What they said was, and in some cases I am afraid with reason, that they were up against vested interests and found it almost impossible to get jobs. They complained, for instance, in the North-West Frontier Province, which was originally part of the Punjab, that the old Punjabi element, who, being better educated, had provided many of the officials and police and had remained on after the separation, favoured their own people.

12,357. Are there not then either two alternatives, one is to give up all education or, on the other hand, to give them some opportunities of taking part in the political life of their country?—They are not all against education; I do not think so; but I think that you must go slow, because these men are the natural leaders of the tribes and, if you do not work through them, as quoted by Marshal Lyautey, you will get anarchy. Therefore, before you go forward, you must get them to be with you and, if it is a question of educating them, I am all in favour of it, but,



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at the present moment, the natural leaders of the tribes cannot even sign their names; therefore, it must be very slow with the tribes.

12,358. There is only one other question that I would like to ask you. You said that the weakness began to be shown with the Montagu-Chelmsford Reforms—I think I gathered that was about the sort of date, about 1919?—I came myself into contact with it specially when I came from Baluchistan in 1921 and took over at Kohat; it seemed to me to be roughly due to the concessions which dated from that time.

12,359. The weakness which came from concessions came in 1919 and 1920; it was existing?—Probably. I myself came in contact with it in 1921.

12,360. But you yourself gave some interesting figures of what the state of affairs was in 1919 and 1920 and the great improvement there was in 1920-21; is that not so?—I think those are the dates, yes.

12,361. Those are the dates you gave?—Yes.

12,362. Does not that show that there had been lax administration. It was a tightening up of the administration and not the alteration of any policy that made the difference between 1919 and 1920, and 1920 and 1921?—It was going back, if I may say so, and, to a certain extent, resuscitating, that is, building up the frameworks of the power of the leaders which had been so weakened.

12,363. As between those two years there had been no difference in policy as enunciated by the Government in India?—No, I do not think so.

12,364. And yet there had been this great improvement?—Well, there will always be that, I suppose.

12,365. In other words, it depends more on the administrator than it did actually on the policy of the improvement?—A very great deal will always depend on that.

Lord Hutchison of Montrose.

12,366. Just two questions: Following on the reply given by Sir George MacMunn on the Indianisation of the Army side, I would like to ask Colonel Bruce: In your Memorandum you lay down that it is necessary to have an adequate British element in the other

Services. That is in paragraph 10 of your General Memorandum, No. 77?—Yes.

12,367. You think it ought to be laid down in the Constitution Act, the percentage, or the necessity for British elements in those Services?—It is rather hard to say as to laying down a percentage, but it must be adequate. That is a question that has to be taken up really from, we will say, the Judicial side, the Police side—each of them, their leading members—should be able to give roughly what that percentage is. Whether it would be any good laying down an absolute definite percentage, I do not know. Perhaps Mr. Hayter could say with reference to the Police, which is, I think, the most important of those subjects, whether it would be a good thing or not.

12,368. Following on that, is it true to say that the Police in the country districts is the real administrating element?—I think Mr. Hayter will admit with me that the Police depend a tremendous lot for their success in any district on the support of the District Officer; that wherever the District Officer knows his district well, and is able to support the Police, the results in the peace and contentment of the district are very great; that is to say, the co-operation between the two is extraordinarily essential.

12,369. Then, is it true to say that the Government of, we will say, Bombay, is dependent, for the administration in the district, on the Police?—I do not know Bombay at all. I lived hundreds of miles away, but Mr. Hayter may answer you.

12,370. In any province?—(Mr. Hayter.) I think it depends on the "Police" in a general sense, if you take the word widely; not necessarily on just an organised district force itself, but in the whole sense of the Law Courts, the Magistrates and the Police together, and their support among the general public. That is what Government must depend upon for carrying out its orders and preserving the peace.

12,371. If it is the policy to hand over to the Government of the Provinces some form of autonomy, do not you think that it is necessary that whoever is running that administration should have some control over the Police?—(Lieut.-Colonel Bruce.) I think it is far too dangerous at the present moment.

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12,372. You think it is too dangerous?  
—Far too dangerous.

12,373. Then you put your view against, we will say, the Commission under Sir John Simon who went out and examined that problem?—I believe they had misgivings. My misgivings are far more.

12,374. In Sir John Shea's Memorandum (of course he is not one of your Society) he points out that whenever there is trouble the Police always come as a target for all the abuse and the blame for what has occurred. Do you think that if the administration of the Police went under the Provincial Government it would reduce that unpopularity?—I do not, but I should prefer Mr. Hayter, as a representative of the Police, to answer that, if I may be allowed to say so. (Mr. Hayter.) I think that hostility to the Police all over the world is solely on account of the duties that they have to perform, whether in India or any other country. If there is any movement which the Police have to oppose under the orders of Government for the sake of keeping the peace, or preventing the movement from becoming out of hand, they at once naturally arouse the hostility of the people on that account, even although, as men or fellow citizens, the people may be perfectly friendly with the Police. We find it so even in London, and I do not think that the fact of there being a constitutional change in the control of the Police, whether the Minister was responsible to an elected body or not, would make him or his Department or Force any more secure from hostility on those grounds.

Earl Winterton.

12,375. My Lord Chairman, I would like to ask a question or two, first of all, on the General Memorandum. In paragraph 6 of Memorandum No. 77 you deal with what, without offence, may be called questions of high policy, and you state. "The decline commenced from the day when British politicians endeavoured to endow India with democratic government. This policy has to our certain knowledge been imposed from England against the advice of the Services," etc. I gather, therefore, from that that you are opposed to the present system of administration in India, or rather, to the present law in India; to the Government of India Act under which India is

governed at the present time you are opposed?—(Mr. Lyall.) I think it is very difficult to understand that contention. I do not think we are opposed to anything except the fact that the introduction of democratic Government and voting has necessarily widened the breach between those who now hold the power and those who are striving against them.

12,376. The effect of the paragraph is an argumentation against the present conditions in India, and those conditions arise under the Government of India Act under which India is governed. I was therefore asking you whether you were, or were not, opposed to the present Government of India Act. I do not want to press the question if you do not want to answer it?—We do not regard it as an improvement on the old Act.

Earl Winterton.] I will leave it at that. In a question which you answered (I think it was Mr. Lyall to Sir Austen Chamberlain) I understood you to say that you were in favour rather of slowing down in India. By "slowing down" I presume you mean that you would therefore go back to the pre-Montagu-Chelmsford conditions.

Lord Hardinge of Penshurst.] That is not slowing down. That is going back.

Earl Winterton.

12,377. Did you mean slowing down the pace of advance, or slowing down generally?—Certainly slowing down the pace of advance.

Sir Austen Chamberlain.

12,378. Did you mean no more than slowing down the pace of advance, or did you mean (I think you said to me that you meant) waiting until we had further experience?—I think that is very essential. The proposals to extend the electorate are going to be fraught with enormous expense, and they are going to include in the electorate a vast number of people who, in the opinion of most of us, are as yet entirely unfit to exercise the vote. We also think there is far too rapid construction of a large number of stories of this edifice, the idea of which is to construct them all simultaneously and, in my opinion, we have to be very very certain that each step that is going to be taken ahead is sound before we make any rapid advance to-day. Might I add to that this fact that, in our opinion, there are very

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hostile (avowedly hostile) activities to the present system of Government in India, and that, in our opinion, we ought to get the strongest proof of co-operation and partnership from those in India who are going to work the scheme before we proceed to give them further powers.

Earl Winterton.

12,379. May I put it in this way. I take it the short answer to the question is that when you use the term "slowing down" you mean slowing down the pace of advance?—Most distinctly, but to what extent is a very difficult thing to say.

12,380. I am not asking you to what extent, I am asking you what the meaning of your answer is?—That is it.

12,381. I turn from that to the first part of the General Memorandum. You say, "While we are in favour of increasingly associating Indians in the administration of the country whenever and wherever possible"—then you make a qualification. Am I to take it from that that you are in favour of continuing to associate Indians as has been done during the last ten years with the administration of the country?—Most certainly as far as it is right and proper.

12,382. But you would not give them responsibility; you would give them power but not responsibility?—They get a very large amount of responsibility within the framework of the Government as it is to-day.

12,383. Yes, exactly. You are not opposed to that responsibility?—Not when it is properly exercised, and it very, very often is.

12,384. Now I turn to Mr. Justice Le Rossignol's Memorandum No. 83. In your last but one paragraph you say, Mr. Justice Le Rossignol, "India is a country of poor men requiring a cheap and simple government; it cannot afford democracy which is notoriously expensive and wasteful." Then you go on to make a reference to France. May I ask you to explain exactly what is the relevance of the reference to France and what you are seeking to prove from it?—(Mr. Justice Le Rossignol.) In France there has been a democratic form of government for very many years and that has not brought about the paradise that is claimed for the system. Therefore, why should we imagine that by giving India democratic rule we are going to

effect any improvement in the administration of India?

12,385. Then really in effect your paragraph is a general attack on democracy because otherwise there would be no relevance in the reference to France?—That is correct.

12,386. I might ask you if you are aware of any responsible body of opinion in France that wishes to go back to autocratic government?—Certainly; I think there is a strong body that would like to go back to a royalist form of government.

12,387. I might draw your attention to Nazi Germany, but I will not do so. I would like to ask my friend Mr. Bruce a question. In his Note under the heading "Historical" in his Memorandum No. 78 he says: "Even as far back as 1901 Sir John Rees wrote in his 'Real India,' etc."—(Lieut.-Colonel C. E. Bruce.) It should be 1908—that is one of the corrections.

12,388. It would be disingenuous if I did not say that as Mr. Bruce knows from our private friendship I am rather in agreement with him in what he states there, but I think it is fair to ask him (I know what the answer is) if this remark of Sir John Rees did not refer to days long before there was any question of the Montagu-Chelmsford Reforms?—Certainly.

12,389. It has no relevance, therefore, to the present-day conditions in India?—I should say it has very great relevance. If that has still gone on and is increasing in any way I should say it had very great relevance.

12,390. My point is that it arose not under the present system of government which you and your colleagues are condemning, but it arose under a system of government which you commend?—I think there are very great dangers of it having increased since.

12,391. I had the privilege in 1927 of seeing a good deal of the Frontier under your auspices?—Yes.

12,392. You will agree that in 1927 there had been a very great improvement in conditions on the Frontier?—If I may say so, I considered there were enormous improvements in Waziristan from the adoption of the policy which my father advocated 40 years ago, that is the Sandeman policy. I think there was an enormous improvement especially

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in what I might call the firebrand of the frontier, namely, Waziristan, from the adoption of the Sandeman policy advocated by my father for Waziristan 40 years ago.

12,393. I quite agree I have a great admiration for that policy. I am pointing out that this particular improvement to which I have referred took place several years after the so-called Montagu-Chelmsford Reforms had come into operation?—Certainly.

Lord Rankeillour.

12,394. May I ask a question arising out of that? Under the Government of India Act the North-West Frontier Province was still reserved to a Chief Commissioner, was it not?—That is what I referred to, if I may say so, at the beginning; it might be said that the Reforms had no effect on the Frontier. My answer to that was that the concessions (which I will not say were due to the reforms, or whether they were the result of the reforms, but they followed the reforms) had an enormous effect on the Frontier.

Earl Winterton.

12,395 One question to Mr. Lyall. You say in the third paragraph of your Memorandum No. 80: "The Secretariat is constantly being affected by the political impulses which are sent out from England, and it soon became patent," etc. What do you mean by "is constantly being affected by the political impulses which are sent out from England"?—(Mr. Lyall) The first beginnings of it was when the Governors of Provinces were desired to start elections in India on a considerable scale and that I think was done from this country in a desire to give India what were believed to be the blessings of electorates and representative government. It is very difficult in my opinion to gauge how far the appetite of India for this democratic government has been from a desire to imitate the institutions of this country and how far they are distasteful to Indians themselves. I can perhaps best illustrate what I meant by giving an example. When the question was first brought up there was a very leading man in my district, the ablest I have ever had dealings with, and I said to him: "Here are these suggestions,

how do you think they are going to work in India?" He said: "Sahib, they are entirely unsuitable."

Marquess of Salisbury.

12,396 Which suggestions were those?—For electorates—for representative government.

Sir Hari Singh Gour.] He probably knew what your own point of view was on the subject. He said "They are entirely unsuitable. Imagine me going and canvassing, trying to get votes from people of a caste lower than my own. Then, supposing that that was to be done, I know perfectly well that I can buy as many votes as I want". At that time he put the price at 2 annas. I let the matter drop. Very shortly afterwards the Government asked that a written opinion should be obtained from various associations and leaders of society in that district. I got from this gentleman an opinion which was a direct opposite of what he had said to me personally. Then when this happened I said to him, "We have had very cordial relations all this time; would you be kind enough to let me know what is your real opinion"? He said "Sir, my real opinion is what I gave you first. This is my sentimental opinion". I said "Are you prepared to put it in writing"? He did, and I forwarded it to the Governor of my Province and I said "You will find here a key to more than half the laudatory and delighted acceptances that you get of this proposal. I am perfectly certain that a very great deal of trouble has arisen in this way. The representation involves complications which will militate against the peace, happiness and contentment of the people.

Earl Winterton.

12,397. I would like to ask you another question on your Memorandum. In the lower part of that Memorandum you say "Only open to those who could see eye to eye with the policy laid down in England". In other words, it is only open to those who are prepared to carry out the policy that Parliament and the Secretary of State imposed?—Yes.

12,398. Would you expect an official of any Government to carry out work unless he were prepared to carry out the official policy laid down by Parliament

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and the Secretary of State?—That is inevitable, the policy is laid down and we have to carry it out.

12,399. I have only two more questions. I want to ask Sir George MacMunn two questions. Sir George, you have replied to my noble Friend Lord Hardinge on the subject of strikes. You would not suggest that if the Government had complete control of railways and telegraphs they would be able to prevent strikes in every circumstance? —(Sir George MacMunn.) Not, of course, to prevent strikes; we know that. The British system of strikes and trade control runs into extraordinary exotic growths in India and nobody could undertake to control them; but with this enormous railway system and nothing to take its place you must so organise your railways that you will have a minimum working framework somewhere that will prevent your being entirely paralysed when some queer underground strike or move on some system which you do not understand even, occurs; that is my view.

Earl Winterton.] There is only one other question, Sir George. A question was asked by my noble Friend, Lord Hardinge, as to whether or not the Indianised regiments were not looked on as second line regiments in India. I was not quite clear about your answer. I imagine it would be impossible to judge of the effect of Indianisation until the scheme has been completed—that is to say, the completion of the Indianisation of the 8 units?

Marquess of Reading.

12,400. I understood Sir George to give that answer?—I should say most emphatically that at present you have no sort of ground to say how far it is going to be a success or not. In fact, I have myself always belonged to that school which has said you have made a great mistake by Indianising regiments separately. The young Indian Officers themselves were much happier mixed up with their British officers in the messes than being among themselves. In fact, I still think that the actual form of Indianisation has been a mistake. We should have done very much better to have mixed them up with ourselves where they were very happy, and where that terrible question that is always

coming up now and again of race and religious feeling. Mess life is of a very close kind; where you are all mixed up, you always get on together, and it does not arise; but young officers are not always happy where they are. That is only one point. What the success is going to be nobody knows. Nobody knows yet how many Indians we are going to get with a power of command. I myself was present in 1897 with a regiment from one of the States which had two British officers with it; those two British officers were wounded, it was then like sheep to the slaughter; that is to say, that though the Indian officers in command had been trained for a good many years and were of a famous fighting race, yet the regiment was chased like sheep. We do not know whether the training we are giving them is going to bring up enough men of sufficient responsibility and power in times of trouble.

Earl Winterton.

12,401. You are aware that the scheme in question was recommended by the Government of India and also was recommended by the late Lord Rawlinson?—Yes; I know it was. I was one of the Military Council when it was discussed. I heard the suggestion and I think I know the result, but I have always deplored it from a broad point of view.

12,402. But your superior officers were in favour of it?—Yes; certainly; I was one of the Military Council at which it was discussed.

12,403. I have only one more question to ask you. You, like me, Sir George, have had the privilege and advantage of serving actually in action with Indian troops from the States with nothing but one British officer attached to them?—Yes.

12,404. And you would not say that they were of no military value?—Not a bit; I think they are of tremendous military value.

12,405. I should like to place that on record. I have been in action and I consider them of high military value?—I have the greatest regard and respect for them all in that way, but how far Indianisation is going to be successful we have, as yet, no inkling. When we get an Indianised Regiment on our flank most of us will feel a little anxious. It

6<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
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will be an experiment we know nothing about, with all the good will you can think of.

Mr. Cocks.

12,406. You say in the general memorandum of the Society, Colonel Bruce, "We ask the Committee to advise that Parliament shall not divest itself of power," and you explained earlier on that by "power" you mean moral and psychological factors as well as military factors?—Would you tell me which paragraph that is?

12,407. Page 2, second paragraph, line 7?—I am afraid I did not quite catch your question.

12,408. It was explained in answer to a question that by "power" you did not mean purely military power, but moral and psychological factors as well?—(Lieut.-Colonel Bruce.) Certainly, and civil.

12,409. Is not one of the strongest of those factors the fact that thousands of Indian administrators, public men, business men, landowners and men of influence are giving large support to the administration at the present time? Is not that a powerful, moral and psychological factor?—Yes, I should say it was, if it is so.

12,410. If those men who are loyally supporting the administration have their hopes of reforms and responsible Government disappointed, do not you think it will greatly weaken the Government?—I do not really think it would, provided that the welfare of the masses, which is our first responsibility, does not suffer.

12,411. But if leading men of influence in India who are now loyally supporting the administration have their legitimate hopes, as they think, disappointed and they withdraw their loyal support, will not that be likely to lead to the landslide which was mentioned?—No; I do not think it would.

12,412. The other point is this. You are specially concerned, Colonel Bruce, with the defence of the North-West Frontier and Baluchistan?—I have had no personal experience of any other part.

12,413. Do you approve of the proposals as regards Baluchistan in the White Paper? You know it is to be treated in a different way from the rest of India?—That is to say that it is not going to have reforms?

12,414. Yes?—If I may answer that, I am very glad to hear it, because, as I have quoted in my Memorandum, Major Cadogan pointed out they were very contented, and I think it would be a very bad thing to disturb them from their contentment. But there is another side of that, if I may put it, and that is that some of the leaders of the Baluchi tribes (and in the Baluchistan tribes, remember, there are more Pathan tribes than actually Baluchis) may possibly say to themselves, "Though it has paid our tribes to remain contented, have we scored by it?"—and when they see their opposite numbers in the North-West Frontier Province drawing salaries in Legislative Councils or in any other form, may they not again say that they obtained these (I am not saying whether it is right or whether it is wrong) by agitation. They may say so to themselves: "Though it has paid our tribes to remain quiet and contented, did it pay us," possibly, from a selfish point of view.

12,415 I understand that, but as far as Proposals 57 and 58 of the White Paper are concerned, you agree with those generally, do you?—I am afraid I have not got Proposals 57 and 58. I have read the White Paper twice; it is a very long thing. I have not even a copy. (*A copy is handed to the witness.*) Proposal 57 is what is happening at the present moment. I should like to go into No. 58 more carefully, but as far as I know, just glancing at it like this, it seems to be roughly what is being done now.

12,416. You have no particular objections to it anyhow?—I should like to go into it more thoroughly, but, just glancing at it, I do not know that there is any great difficulty.

12,417. I understand, of course, that you are opposed to the whole scheme of the White Paper?—I qualify that a little, if I may say so. I am specially opposed to any handing over at the present moment of what I consider the most important services that especially affect the welfare of the people as a whole. I would go very very slow there. That is my main objection.

12,418. What I was going to ask you was this: Presume that this scheme, generally speaking, goes through, have you any special suggestion which you would make of amendment as regards the centre



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and the North West Frontier? For instance, would you like the North West Frontier Province to be taken out of the scheme? That is what I am driving at?—I should like to go into that question very thoroughly, I could not give you an answer on that point now. I think that one has to remember that the whole history of India has been the history of the Frontier, and that everybody who has served on the Frontier and has been there for years and years should be given a very great opportunity to show how far any scheme will endanger the whole of India, because it is from the Frontier that the history of India has emanated and, I think, the risks are simply enormous.

12,419. I know, but have you any constructive suggestion to make? Supposing the scheme goes through for the rest of India, have you any special amendment that you would propose?—I should like to go through every one of them very, very carefully with other officers who have had the privilege of serving on that Frontier before I gave any answer to that question. It is so important that I consider every word of it has to be gone through.

Lord Snell.

12,420. Colonel Bruce, in your general Memorandum, at the bottom of the first page, you suggest that this idea of reforming India had been imposed on India by British politicians. Are you able to say that if such ideas had not been imposed Indians would have been satisfied with the Government which prevailed prior to 1919?—It depends upon what you call Indians. If you mean the masses of the people who are peaceful and contented, as far as I know they would have been very satisfied?

12,421. I mean the Indian people including those who by education and experience have the right to advise their fellow-countrymen?—I have not quite got the question. I think our main responsibility to India is to give them good Government and peace and contentment to the masses.

12,422. May I very respectfully submit that that is not an answer to my question? If these ideas had not gone from England to India would the Indian people have been satisfied, and if so, for how long, with the kind of Government which they then had?—I have served

entirely as I have said on the Frontier. I think they would have been very satisfied; I never saw any signs of dissatisfaction. Perhaps you would like to ask that question of officers who have served in other parts of India.

12,423. I am content to have it on record. In the same paragraph you suggest that British politicians imposed these ideas against the advice of the Services. As a British politician I feel interested in this matter. Is the claim of the Services that British politicians should be bound by their advice?—Certainly not, not bound, but it would be a very good thing to hear their advice.

12,424. And they do not claim that those politicians who are Members of Parliament should decide in accordance with the advice of the Services?—Not necessarily.

12,425. Then what is the point of trying to score against the politician and responsible statesman on the ground that they have not seen fit to accept the advice of the Services of India?—(Mr. Lyall.) That certainly was not the intention behind that paragraph. We do not desire to score against any British politician.

12,426. I venture to ask the witnesses to read the paragraph again and see what it really means. Passing from that, my Lord, it has been said that the only satisfactory guarantee is that of power. Does that mean power exercised at the discretion of the services apart from Parliament?—My own view of that, is that it is very feasible for the Government in India to get the view of leading Indians and to act in the closest co-operation with them and do what is good for the community as a whole.

12,427. Would you agree that if by this reform we could get the complete goodwill of the people of India that in itself would be a psychological safeguard of great value?—If we could I should certainly agree, but I maintain it is not possible to do so by that means.

12,428. Mr. Justice Le Rossignol, you speak of the impossibility of representative government without an informed, honest and interested electorate. Do you know of any land that is fortunate enough to possess an honest, informed and an interested electorate?—(Mr. Justice Le Rossignol.) I should reply to that: If there is no such land, why adopt the system for India? Why



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should the system be adopted for India if those prerequisites are not existing in India?

12,429. That is not an answer to my question. I am entitled to have an answer. You say it cannot be done without this and without that quality?—Yes.

12,430. I ask in what land does that quality exist?—I hope in this land.

12,431. Would you be satisfied with Great Britain, as Lord Derby suggests?—Yes, I think so; I think England, on the whole.

12,432. And that informed, honest, and interested electorate of Great Britain has elected Members to Parliament who unfortunately do not agree with the Services?—They may do. I understand this Bill has not yet been passed. It is still merely a White Paper.

12,433. One final question. Mr. Lyall in his Memorandum No. 80 suggests that a large number of English officials in India have resigned rather than remain loyal to a government with whose policy they do not happen to agree. Has that statement the support of the Indian Empire Society?—(Mr. *Lyall*.) Rather than remain loyal? I do not think those words were used.

12,434. No, but what does it mean: rather than take any risks, assumed or otherwise, they resigned in large numbers. I ask. Is that an attitude which the Indian Empire Society suggests is loyal?—I would suggest that so far as that goes, it is the only thing left to an Officer in Government Service in India to resign if he is asked to carry out policies which are not in accordance with his principles and conscience. There is nothing else left.

Mr. *Morgan Jones*.

12,435. Colonel Bruce, turning to your General Memorandum, I see that you say in the second paragraph that while you are in favour of "increasingly associating Indians in the administration of the country whenever and wherever possible, we hold that the degree to which this can be done must be subordinated (1) to the welfare of the masses; (2) to the conscientious discharge by the British nation of its stewardship of the vast continent of India; and (3) to justice to the commitments undertaken by the British nation." May I suggest that there may be a fourth?—(Lieut.-

Colonel *C. E. Bruce*.) There may be others, certainly.

12,436. A discharge by the Indians themselves of responsibility for themselves?—But they are being associated every day more and more. All we ask is that in any further advance every step should be taken with tremendous caution and consideration.

12,437. I quite understand that, but would you accept the fourth as an aim to keep before your mind, namely, the discharge by the Indians themselves of responsibility for their own government?—Certainly.

12,438. You would?—In so far as they prove fit for it, most certainly.

12,439. But when you add those words, "in so far as they prove fit for it," it may mean anything or nothing, may it not?—Surely not.

12,440. In the next paragraph you refer to certain pledges which have been given to India and you state they have never been unconditional?—Yes.

12,441. Could you say broadly what the condition of that self-government was to be?—The condition of the pledges?

12,442. Yes?—The first pledge, I take it, was for the welfare of the masses of India and that, provided certain branches of the business, if I may put it in that way, were handed over to the Indians, and provided that they showed that those branches were working to the satisfaction and for the benefit of the poor people in India then on those conditions the whole question was to be gone into and a further advance made or not, as the case may be. It was a question as to how far, in those two branches which had been handed over, which affected very greatly the welfare of the poor people, they had justified their stewardship and how far therefore a further advance should be made or the advance retarded as the case may be. It was a question of proving it.

12,443. You would agree, would you not, that Parliament in the prosecution of those pledges has from time to time enlarged the sphere of self-government for the Indian people?—Yes.

12,444. And the last occasion was the Montagu-Chelmsford Reforms?—Yes.

12,445. And I take it that your case is that the Montagu-Chelmsford Reform was in advance of the requirements of the time?—From the realities it seems cer-

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tainly to have been so; they did not prove extraordinarily satisfactory.

12,446. You likened our presence in India to that of a steward. Who is to determine when the functions of the steward are to be circumscribed—the steward or the owner of the estate?—Who is the owner?

12,447. Surely the Indians?—I do not quite see the question.

12,448. You likened us in India to being stewards—stewards for somebody, certainly?—Stewards for the welfare of the masses.

12,449. The Indian people?—I call the masses the Indian people.

12,450. Do not you think that the Indian people have a right at some time or other to determine when the functions of the steward shall be limited?—It depends on what you call the Indian people. If you refer to the welfare of the masses, certainly, in so far as the proof is that the welfare of the masses is going on and peace and contentment are going to be maintained.

12,451. Do I understand your idea of associating the Indian people with government to be related merely to say selection and promotion by the process of co-optation?—Yes. Up to the present moment that has been the most satisfactory. I can see no reason for anything else at the present moment.

12,452. At what moment do you propose to invite the Indian people to declare whether that is in accord with their desire or not?—The masses, when they can give their own opinion.

12,453. You mean when you think they can?—Not at present, most certainly not, as Mr. Lyall has said. I do not think the masses have yet given their opinion.

12,454. You say later on in your Memorandum: "The finances of India are already strained to the utmost by the experiments of the past 10 years". Is that opinion based upon the views of experts?—I should have thought it would have been admitted. Is it not an admitted fact that they have been strained?

12,455. You have read, I daresay, the Report of the Simon Commission, and especially the paper by Sir Walter Layton?—I have read the whole of the Simon Commission Report a long time ago.

12,456. Do you recall that in Sir Walter Layton's paper the expenditure upon defence was 55 as compared with

13 in respect of education?—I do not recall it but I take it from you.

12,457. Would you argue, Colonel Bruce, that a proportion of that sort justifies you saying that the Montagu-Chelmsford Reforms which have operated for the last 10 years have occasioned the financial strain in India?—I should think they had contributed. I do not pretend to be a financier, but I should have thought they had contributed.

12,458. Your Memorandum pretends you know?—Yes.

12,459. May I refer now to Mr. Waris Ameer Ali's Memorandum No. 81?—I believe, Sir, you are a District and Sessions Judge?—(Mr. Waris Ameer Ali) I was.

12,460. Now retired?—I am now retired.

Mr. Morgan Jones.] In that Memorandum you advance a very strong indictment of your own people.

Mr. Zafulla Khan.] Did you say "of your own people"?

Mr. Morgan Jones.] I said "of your own people".

Mr. Zafulla Khan.] In paragraph 12 of the General Memorandum (No. 77) Mr. Waris Ameer Ali has said: "The peace, safety and contentment of 350 millions, and the invested lives and capital of our country—investments made on the faith of the British nation—these are at stake." These are his statements. Mr. Ameer Ali has also signed the general memorandum, and he has said that in that.

Mr. Morgan Jones.

12,461. I am afraid we are on different statements. In paragraphs 2 and 3 you suggest under the proposed form of provincial autonomy there will be opportunity for great corruption amongst other things. Is that so?—May I take exception to your remark "indictment of my own people"? There is no one people in India; there are numerous peoples, and I have definitely stated in this Memorandum that I pay tribute to the devoted and conscientious service of many Indian colleagues and subordinates. There is no use in blinking the fact that the level of public opinion in some parts of India is, shall we say, less advanced than here? It is not everybody who will do such a thing, but certain men who are still living in a medieval mentality

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will pursue medieval methods; and those men are in many cases possessed of some influence or power in the countryside and are of little scruple. If I may venture, with the greatest respect, to say so (it took place a long time ago, you will say, but in the East centuries are very short), if you look at such a work as the Paston Letters you will find exactly similar practices taking place in the administration of this country in the reigns of Henry VI and Edward IV. I am making no general indictment, if I may say so. My Lord Chairman, if I may venture to say one thing about this General Memorandum, it is this: Mr. Zafulla Khan very kindly associated me with my British friends and colleagues. I stand by them in a general sense, but I am not prepared to cry over spilt milk in any way. I am here not to offer opinions, save in so far as you ask for them. It is for you, my Lords and Gentlemen, to form your own opinions and your own conclusions as to what the future Constitution of India is to be. I have merely come here to state what facts I know from personal recollection and from family tradition, which goes back in, may we say, official or responsible positions for the past eight generations in India, both before the time of the East India Company's rule and before the time of the Crown.

12,462. I am much obliged, but will you please direct your attention to the paragraph of Memorandum 81 beginning: "What will be the result"?—Yes.

12,463. It goes on: "The majority of conscientious Indian presiding officers of Courts will find serious difficulty in dealing with cases where they realise that someone has gone behind their backs to the Minister, who will not hesitate to accuse them of partiality." I will not trouble to read the whole paragraph; it is there before you. May I ask you whether that paragraph is based upon your own personal experience?—Certainly, in some cases.

12,464. Do I take it from that that you have had experience of people in various ways trying to corrupt the administration of justice?—It depends what you call corrupting; not necessarily corrupting with money, but endeavouring to get in a good word for themselves or for their friends.

Dr. B. R. Ambedkar.

12,465. Were there Ministers in India at the time when you were District Judge?—There were, but they were not concerned with me; I should say, not elected Ministers, but I am referring now to the future in this Memorandum when, as I understand, the proposed Constitution—

12,466. I thought you were speaking from your experience?—May I explain to you? This refers to the future when the proposal is to place Ministers under elected Legislatures and responsible to elected Legislatures and liable to stand or fall with their Cabinets.

Sir Hari Singh Gour.] Your words are prophetic.

Mr. Morgan Jones.

12,467. May I continue my cross-examination?—Certainly.

12,468. Do I understand you to imply that your evidence in your memorandum arises from personal acquaintance with this sort of corruption to which you refer?—How do you mean, personal acquaintance? I have had people going behind the backs of myself and of the Chief Court.

Mr. Morgan Jones.] Let me put it bluntly.

Lord Hardinge of Penshurst.

12,469. Will you repeat that?—I have had experience in my capacity as a Sessions Judge and as a District Judge (not in every case but in certain cases where powerful people were concerned) of, shall we say, medieval intrigues going on behind my back in the position of what you call a Judge of Assize here and behind the back of my Provincial High Court.

Marquess of Reading.

12,470. I am completely puzzled by the expression, "going behind the back," and nothing more. What does that mean. Would you tell us plainly?—Claiming to state that one has been mistaken in one's judgment, trying to reverse the said judgment, and trying to get contrary orders passed, or something like that.

Marquess of Salisbury.

12,471. By whom?—By the Executive Government.

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Mr. Morgan Jones.

12,472. Were you ever in a position as a Judge to bring those people to book in any way?—There was one case in particular just before I came away. It is very painful to have to refer to it because the gentleman in question was a personal acquaintance. It did not get so far as the Executive Government, it is true. This gentleman was a very large landed proprietor, Chairman of the District Board, and a personal acquaintance. He was the former sitting Member of the neighbouring district, which corresponds to the Chairman of the County Council here. He had a great uncle, the brother of his grandmother, who, with his son, had the misfortune to knock a neighbour on the head in just an ordinary village fight over a boundary. It is an accident that sometimes happens in India. It was very, very unfortunate, but his opponent died. The great uncle and the son were both concerned in this fight, and they were charged eventually with manslaughter, which is the humane provision of the law in India, Section 304. They went straight off, having had this fight, to their powerful relative, and I have no doubt from the evidence that came out afterwards they worried the life out of him. He sent them to a hospital that had just been handed over to him as Chairman of the District Board for complete control as an experiment in local self-government. The Doctor, Babu in charge entered them up as arriving on a certain date, to wit, 24 hours before this alleged fight. The hospital entry was somewhat vague, and he said they were suffering from a stomach complaint, but, in spite of the stomach complaint, after 24 or 48 hours at the hospital they went straight off on a pilgrimage to Bindachal, a famous shrine of the goddess Bhowani, near Mirzapur. It was formerly a resort of Thugs and other people who were devotees of the goddess and of murder and crime generally. It was an unfortunate place to choose; still, they went there. The result was they were committed for trial by my learned brother who was an Indian gentleman of very high repute, judge in the district in which the alleged crime had been committed. They were acquitted on the ground of lack of evidence of manslaughter, but the wretched Doctor Babu

was charged with perjury, of false entry in his record of the time that these people had come. The case was transferred to my file because my learned brother at this particular place, of course, had charged the Doctor with perjury and false entry, so he could not try it; it was transferred by order of the Chief Court to my file. I had to try it. I will not call him an unfortunate man, because we found he had done the same sort of thing before in his registers. However, during the course of this procedure, what was my surprise to find that the Prosecution's witnesses complained bitterly on oath that the Chairman of the District Board who was behind the great uncle, who had the misfortune to break his neighbour's head and kill him, was threatening them personally near his own home, and had sent his Government clerk as an honorary magistrate of the First Class to run the defence before me of the Doctor. We did not catch the Clerk. Messengers were sent hot foot out to seize him, but he fled and could not be caught. On the sworn statements of these witnesses I instituted a *prima facie* case against this gentleman, who was very upset. He came to see me personally. I was very sorry for him, but, on the facts, I had no course but to file a complaint. I merely filed a *prima facie* complaint before the Magistrate of the next district in which the alleged conflict had taken place. His principal complaint was that he would lose Izzat by being forced to appear as an accused. I said, "I am very sorry, you may or may not have threatened them, but they definitely stated on oath that you had threatened them, and your henchman had threatened them for giving evidence against your protégé." I shortly after retired, and the prosecution of this gentleman was dropped. Before I retired, he had gone off to another District Magistrate, a senior man, and produced a long letter from him and from another officer stating that he had been wholly misused and that I had been wrongly guided. That is an example of the small things that go on now.

12,473. But in general you would not accuse people in India of that kind of thing. These are exceptions, I take it? —Well, remember this: When a man is in a tight place, if I may use a colloquialism, he will turn to any method of getting out of it.

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12,474 So he will anywhere?—I do not suggest that of any highly educated gentleman or anyone here

Mr. Zafrrulla Khan.] You may leave us out.

Mr. M. R. Jayaker.

12,475. Was it such horrid experiences, the experiences of the character you have narrated in great detail, that induced you to retire from India on proportionate pension before your time?—I did get a bit tired of it, I admit

Mr. Morgan Jones.

12,476. May I ask Mr. Justice Le Rossignol this question, my Lord Chairman? He refers to an incident where a candidate told him that an additional outlay of so many rupees would have converted his failure into success at an election. Does the witness not agree that the buying and selling of votes was prevalent in England until comparatively recent times?—(Mr. Justice Le Rossignol.) Comparatively recent times.

12,477. And does he also agree that there was a time when the people of this country were entirely illiterate too?—Yes; that is some time ago.

12,478. And that that time, he will admit, was at periods of great military prowess?—Yes.

12,479. And therefore the fact that people at this moment happen to be illiterate and there happens to be buying and selling of votes is no more a reason for a further advance in India any more than it was in this country?—I think it reduces the whole system to a farce. To whom are the Ministers responsible if they are responsible only to illiterate persons?

12,480. But it was a farce in our own country, was it not?—It may have been.

12,481. Not may have been, surely? In spite of that, we gave votes to people?—Yes; but was the disproportion so great in this country as it is at the present day in India?

12,482. Perhaps not so great, but still there was that disproportion?—I stand only for the poor men in India. If you can make an advance in favour of educated Indians in India without jeopardising the interests of the poor man, I am all in favour of it; but I say up to now in whatever experiment we have made we have found, far from success, only failure.

12,483. But you are in favour of making advances in India just as we have made the same advances in Britain?—Yes, but with great caution. I have many friends among the Indians, and really my opposition is in favour of the poor man in India.

12,484. Do I gather from the last sentence but one in your Memorandum, in which you say "cannot afford democracy which is notoriously wasteful" that your objection to this development in India is not so much to the fact that it is applying Democracy in India as an objection to Democracy?—As an objection to Democracy in general?

12,485. Yes?—Yes. I think that in all matters, if you can go to an expert, it is a great mistake to go to an amateur.

Chairman.] By leave of the Committee and by courtesy of Sir Hubert Carr, I propose to ask the Primate to ask a question now, as unfortunately public business will prevent him from being with us on Monday.

Archbishop of Canterbury.

12,486 I am very grateful to you, my Lord Chairman and the Committee. I only want to ask one or two general questions. I am anxious to know from you who have been kind enough to give evidence to us what alternatives you have in view to the Proposals in the White Paper? I understand that you do not suggest that there should be any actual change in what has already been done through the Montagu-Chelmsford scheme. You do not suggest that in any respect that should be undone?—(Lieut.-Colonel Bruce.) No. Simply that any advance, as it is called, should be done with very great caution. So far as the alternative is concerned that is a question which we have not been asked to decide.

12,487. Is there any further movement at all that you would be in favour of?—Every movement to associate selected or tried Indians who have proved their worth?

12,488. That has already been done?—Yes, certainly. I should go on doing it, as it goes on.

12,489. Can you indicate any specific ways in which you would be prepared to make some advance upon the existing system, the Government Act of 1921?—It depends a great deal upon what is called an "advance." It is so difficult

6<sup>o</sup> October, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
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to understand what is meant by the word

12,490. Do you propose to make any change?—(Mr. Lyall.) I think perhaps we may get a guide from what is happening in a lot of other countries, perhaps America (I am not very conversant with the Constitution there) as a case in point. I think it is generally viewed that the administration of justice is extremely difficult in that country owing to the fact that those who are responsible for the administration are at the same time subject to popular vote.

Sir Austen Chamberlain.

12,491. May I interject a question to understand what you are referring to in American practice? Are you referring to the election of Judges by popular vote?—And to the fact that I believe every Head of Police changes with the Administration.

Archbishop of Canterbury.

12,492. Yes, but I am not asking you to give your criticism of the White Paper plans. You have said you do not want to change what has been done, but you are not averse to some further movement. I only want to know precisely what further movement you would be prepared to advocate?—I think our view is that that is a matter which would be dealt with in accordance with criticisms that would be put before the Joint Select Committee and also before the Houses of Parliament when it came to matters of detail; but I think our chief apprehension at the present moment is the Courts and the Police. That is our main point.

12,493. I quite understand that?—If that is met, we are quite content that further results should be judged by experience.

12,494. But they can hardly be judged by experience unless something is done?—I think we have said that very probably, during the last 10 years, if statistics were taken it would be found that there has not been an improvement judged by statistics of serious crime by political dacoities, by assassinations and by terrorism in that period; therefore, we think that the matter should be proceeded with very, very slowly.

12,495. I quite understand that, but that still does not answer my question.

Are there any definite respects in which those whom you represent are prepared to recommend any further advance along the lines which were laid down in the Government Act of 1919?—I think that the Government Act postulated that there should be partnership and good will, and a definite desire on the part of the Indians to remain within the Empire. That, I think, has not been acted up to. In our opinion, it is very desirable that a very great deal of that should be insisted on to-day.

12,496. I will come to that in a moment, Mr. Lyall, if I may, but I still do not get any answer to my specific question whether there are any things at all which you are prepared to do in advance of what has already been done in the Government of India Act of 1919?—I think perhaps our answer to that would be that we have no definite proposals to make, but that during the last 10 years there has been a constant increase of the associations of Indians in the work and that will continue

12,497. I take your answer: There is no proposal?—There is no proposal.

12,498. Then, I take it, that those whom you represent are quite against the main conclusions of the Simon Commission Report?—We certainly think it is a wonderful basis upon which to work; it is a most marvellous presentation of facts.

12,499. But you do not agree to work upon that basis?—My one chief objection to it is that I should have thought the arguments in it were definitely conclusions against a large increase in the electorates. On the other hand, it did definitely recommend a very large increase in the electorate which, I believe is further increased now.

12,500. But substantially you do not recommend any further steps? You disagree with the main conclusions of the Simon Report?—I would not say that. (Lieut.-Colonel Bruce.) I do not think Mr. Lyall means that. I think his great objections and our great objection is to the handing over of the Police which the Simon Commission themselves I think viewed with a certain amount of misgiving. It is the Police and the Judiciary; I think we all stand by that.

12,501. May I ask Lieut.-Colonel Bruce a question if he will forgive me? When his attention was called to Pro-

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posals 57 of the White Paper he said that though it concerned the Province with which he has been honourably associated on the part of India, Baluchistan, he admitted he had not given very careful consideration to these particular paragraphs dealing with Baluchistan?—I do not think I could be taken to have said that—on the contrary.

12,502. I think you said you would require a good deal of time to give these proposals careful consideration?—No. I said, with reference to paragraph 53 of the White Paper, I should like to go into that question. I certainly associated myself with Baluchistan, and, as far as Baluchistan is concerned, there was very, very little change. I have not read those paragraphs carefully lately. I read them carefully at the time, but I have not studied the magain. The people of Baluchistan were very, very contented.

12,503 Would you forgive me if I suggested on that that you may not have given very careful consideration to all the proposals in the White Paper?—Certainly I have given them very careful consideration.

12,504 Then may I call attention to a very just remark made by Mr. Hayter "Peace depends on moral and psychological factors for improvement." But, have you considered the effect of moral and psychological factors on the peace of India, if no considerable effort is made to implement all the promises that of recent years have been made to India in the direction of further Constitutional reforms? I use these words, as good as any others (they happen to be Lord Meston's), speaking not only of what has been done at the Round Table Conference, and the pronouncements made by the leaders of our political parties, but of the classes which have acquired English education who are united in their demand for greater political freedom. "They form, it is true, a small minority but they have opportunities and the will to disturb the multitude, and they can sound depths of popular emotion to which we have no access." Does it not seem that these are moral and psychological factors that are to be considered with regard to the keeping of the peace in India?—Mr Hayter says he would like to answer as he spoke those words.

12,505. Yes?—(Mr. Hayter.) I think that any fear of disturbance or loss of confidence in the Government on account of failure or inability to meet with such political demands for advance as your Lordship indicated would be as nothing compared to the great fear of loss of confidence if the Government could not hold the scales equally between the different communities and conflicting sections. I regard that as the great danger in India. It has been so for 600 years, and is still the same, and I do not think that any fear of discontent on account of failure to grant political institutions could be weighed in the balance against the fear of communal disturbance. That is my opinion.

12,506. So far as active opinion in India is concerned it is much more in favour of some implementing of all these promises than of apprehension as to their results?—I can only give my opinion that that is so; that the real fear is from a cessation of confidence in the Government to exercise impartial power to protect minorities and to punish any aggression.

12,507. That may be your inference, but how far have you any evidence in popular India opinion that your apprehensions are shared?—I have had 27 years' experience as a Police Officer mostly in what you might call backward or up-country districts, and I think the great fear always has been of people ceasing to believe that they had a Government over them who would protect and punish when necessary.

12,508. How far has that apprehension been in any way articulate among the Indian people with whom you have been so long connected?—It was constantly articulated.

12,509. But you would admit that, so far as the peace of India is concerned you have to take into consideration the possible effects of your attitude being adopted, and nothing further being done in the way of implementing all the promises which rightly or wrongly have been made?—I think that it is quite impossible that any scheme proposed would satisfy all the political elements. There would still be a great deal of discontent and people ready to stir up folk, as Lord Meston said, on various grounds; there would still be all these people ready to stir up the people, and you would then be deprived of the impartial effective



6<sup>o</sup> *Octobris*, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [*Continued*. Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL, C.I.E., Mr. WARIS AMER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr. Justice W. A. LE ROSSIGNOL.

power in which all the people have confidence. You would have lost the power, but you would still have discontent stirred up.

12,510. Then your view is that this Committee may pay very little attention to the apprehensions that have been widely expressed, that if no further movement was made there would be considerable disturbance in India?—I could not possibly say (so much having gone on) that there would not be disturbance, but I do not think that that kind of disturbance would be of anything like the magnitude that the disturbances would come to if an impartial power and the confidence of the people was really lost.

12,511. That would remain to be proved?—Certainly.

12,512. Then may I call your attention, Mr. Lyall, to what you have said in the last paragraph of your Memorandum No. 80, where I gather what you would wish is that "before any further devolution is resorted to the Government should propose to exact proofs of goodwill and co-operation from Indian politicians and break any organisation which openly asserts its intention of breaking all connection with the British Empire." Do you think it is the most hopeful way of securing the goodwill and co-operation of Indian politicians to take your attitude, and to say that nothing that they have desired beyond the present Government Act should be given to them? Has it not occurred to you that that might be rather the way in which you would throw them over upon what I understand you mean here as the Congress Party?—(Mr. Lyall.) My view is that there are just as many people in India to take the place of the Congress Party as there are in the Congress Party?

12,513. Precisely. Therefore would it not be a great advantage that with regard to those who do not associate themselves with the Congress Party we should be able to receive their cordial goodwill and co-operation?—I think it is impossible to buy the cordial goodwill and co-operation of the Congress Party in its left wing—in its most advanced state.

12,514. I am not suggesting for a moment that anything should be done as regards the Congress Party. My point is how shall we secure the goodwill and co-operation of other Indian politicians if we meet them merely with the negative position which, rightly or

wrongly, and most naturally, some of you have taken?—I would, first of all, take the position that we have met them already very very largely. That is patent, I think, from facts simply as to the number of Indians in all the Government Services from the day that I first went to India to the day that I retired from India, and I think it is essential in regard to those matters that we should exact that both sides of the bargain should be kept. If you do not it is simply a policy of concession "What do you want?" "Take it."

12,515. What would you mean exactly by exacting proofs?—There are many most unequivocal statements made to-day by the Congress Party that their one idea is to sever all connection with this country.

12,516. I am not speaking of the Congress Party. I am speaking of Indian politicians whom you would wish to detach from the Congress Party. How would you exact proofs from them?—I think one of the first things towards doing that is to show definitely and clearly that a secessionist and anarchical and hostile policy is not going to meet with the reward that is so often given to agitators.

12,517. I cannot pursue that matter further. The Committee will form its own conclusions. But I do wish to call your attention, if I may, to a statement which alarmed me a good deal when I read it in the third paragraph of Mr. Lyall's Memorandum, No. 80. Speaking of the officials in India, particularly the Secretariat: "It soon became patent that Secretariat life with all its amenities of society, comfortable houses and absence of direct responsibility for the maintenance of law and order and the daily drudgery of administration work, were only open to those who could see eye to eye with the policy laid down in England that democratic institutions were to be introduced and developed." Would you tell me how that became patent?—It is very difficult to do that, but it is a matter of a sort of personal knowledge—what other people have said, common knowledge. I have been told an anecdote in regard to it. It may possibly throw a beam of light on the attitude of mind. One man resigned; the other said he was not going to resign; he said, "I agree with your views, but I am a cynic."

6<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
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Marquess of Salisbury.

12,518. Why was he going to resign? I want to be quite clear?—Because he did not agree with the policy.

12,519. The policy of the White Paper, or what?—Much earlier than this. This democratic policy and the Montagu-Chelmsford Report. He said: "I am a cynic, and I am not a Don Quixote. If I do not take this post somebody else will." He carried on. The border line is very very difficult to define. Always you just go a step further and a step further, and a step further, and you have to carry out the policy that is laid down. That, we all recognise, is essential, but a great many men have been carrying out a policy which, in their heart of hearts, they did not think was going to lead to the prosperity and contentment of India.

Archbishop of Canterbury.

12,520. That is quite natural, but you do not mean to imply from that that you have any evidence, when you speak of things becoming patent, that any attempt was made in regard to the appointment and promotion of officers to find out whether they did or did not agree with questions of policy?—I think that is a matter that very soon becomes obvious to the Secretariat. They have to get reports from officers constantly, and they know exactly those who are prepared to further the policy that is going on to the utmost of their power, and others who have reservations. I do not want to imply moral turpitude to either side, but, on both sides, there is either a desire to carry things further, or a desire to stand back, and when it comes to the point it is the officers who have taken the other line who, a very large number of them, in our opinion, have gone to preferment on policy. I do not grudge it to them. I think it was essential; it was inevitable.

12,521. We have had here a very great deal of evidence (masses of evidence) from the most responsible recent officials in charge of Indian administration, that they do not share your apprehensions; that they are in general favour of some further movement of this kind, and it has been said, countering that, that pressure has been brought to bear on these officers to take the views broadly represented by the White Paper if they are likely to be promoted. It is a very

serious allegation, and I want to know whether you imply here that in any way, direct or indirect, whatever opinions officials may have had, any attempt has been made on the part of the Government to find out before making an appointment or a promotion what political opinions an official had?—I would say there had been no kind of inquisition of any kind, but I think I answered that earlier, that the views of an officer are constantly appearing to the Secretariat to the Governors from all the reports that are sent up, and there are a certain number who are in favour of the policy. Naturally they must be chosen; they have got to be the instruments to carry it further. There are a certain number who are opposed to it, and they are rejected as instruments for carrying out that policy. The point I want to make is that there is a very marked cleavage amongst the members of our Service, and a genuine one.

12,522. The Committee are well aware of that. I only want to make it clear that you are not wanting the Committee to understand that any pressure has been brought to bear by the Government?—I can say most frankly it never has in my case.

Sir Hubert Carr.

12,523. There is only one question I wanted to ask particularly with regard to the Frontier Province. Colonel Bruce has pointed out that there are tremendous dangers in introducing reforms on the Frontier. I gather he does not consider that the Frontier and the rest of India can be treated on the same level. Is that correct?—(Lieut.-Colonel Bruce.) Having only dealt with the Frontier I should certainly say that it was. By that I mean that you have to have very great caution in India proper. That caution must be excessive on the Frontier.

12,524. Has the Indian Empire Society any special proposals for dealing with the Frontier as a separate Province?—I do not think it has been considered as a separate problem in that way. I do not quite gather the meaning of the question. The minority naturally are the Hindus, and, I think, whatever they may say in public, I have never heard one of them in private view the proposals—I mean such, for instance, as the handing over of the control of the

6° Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
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Police, or the Judiciary, and all those sorts of things—with anything but misgivings but even with horror. "Apprehension" is too small a word.

12,525. I follow that from your Memorandum?—Yes.

12,526. But what was occurring to me was that you have made the point that the Frontier is really the key to India?—I think history bears me out there.

12,527. In that case has the Indian Empire Society any special policy for the special handling of that key, or the special treatment of that key, as opposed to the general treatment of the rest of India?—I do not know that the Indian Empire Society in itself have. I have not heard them discuss that point specially, but I think that, if you agree with me that the Frontier does require very, very great caution, whatever you do down country with reference to the

Police or Judiciary you should certainly not do it there.

12,528. I would agree entirely?—Whatever you do I do not think you could possibly do it there.

12,529. I would have hoped that the Indian Empire Society might have given us some help as to the treatment of this important part?—I think it is down in the Memorandum of the Indian Empire Society what their treatment is.

12,530. This points out the dangers of following the White Paper?—We have not been asked to put forward an alternative, or any special measures. If we were asked I have no doubt it would be quite easy to do.

*Chairman.*] I propose to adjourn now to five o'clock on Monday evening, and to ask these gentlemen to be good enough to return at five o'clock on Monday in order that their examination may continue.

*(The Witnesses are directed to withdraw.)*

Ordered, That this Committee be adjourned to Monday next at Five o'clock.

### DIE LUNAE, 9° OCTOBRIS, 1933.

#### Present:

Marquess of Salisbury.  
Marquess of Linlithgow.  
Marquess of Reading.  
Earl of Derby.  
Lord Middleton.  
Lord Hardinge of Penshurst.  
Lord Irwin.  
Lord Snell.  
Lord Rankeillour.  
Lord Hutchison of Montrose.

Mr. Butler.  
Sir Austen Chamberlain.  
Mr. Cocks.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Isaac Foot.  
Mr. Morgan Jones.  
Lord Eustace Percy.  
Miss Pickford.

The following Indian Delegates were also present.—

#### INDIAN STATES REPRESENTATIVES.

Sir Akbar Hydari.  
Sir Manubhai N. Mehta.

Mr. Y. Thombare.

#### BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Lieut.-Colonel Sir H. Gidney.  
Sir Hari Singh Gour.  
Mr. M. R. Jayaker.

Mr. N. M. Joshi.  
Sir Abdur Rahim.  
Sir Phiroze Sethna.  
Sardar Buta Singh.  
Mr. Zafulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

9<sup>o</sup> Octobris, 1933.]

[Continued.]

Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL, C.I.E., Mr. WARIS AMER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr. Justice W. A. LE ROSSIGNOL are called in and further examined as follows

Lieut.-Colonel Sir H. Gidney.

12,531. My Lord Chairman, I desire to ask the witnesses a few questions. Sir George MacMunn, you have had a considerable experience in India, and, with that experience, I take it you are very familiar as to what is vitally necessary for the defence of the country?—(Sir George MacMunn.) Yes.

12,532. Do you consider a control of lines of communication to be vitally essential for the effective control of defence?—Most certainly.

12,533. Have you any idea as to how this control would be secured in view of the questions that were asked you by Lord Hardinge and Lord Winterton?—I have always thought that it is essential (anyway for many years to come, however the Government is run, whoever the Ministry are) that you should maintain in your railways a proportion of the domiciled, and certainly the Anglo-Indian community. They are above all local excitements, and that both on the railways and on the telegraphs it is essential as now, apart from any duty we owe to that community, as a mere matter of defence, that the Government should assure themselves of a sufficiency in the communication services of a community like that who are ready to your hand who are purely Indian, but they are absolutely reliable and free from the ordinary excitement which may at any moment move, we will say, the entirely Indianised railways and their employees, and that unreasoning strike-poison which, apart from politics even, sometimes seizes them. I also think that for the last 80 years the safety of the Indian travelling public has been in the hands of that particular community, and we owe it to them both to employ them as matters of gratitude, and also as part of the Indian population and also for reasons of defence. That has always been my view.

12,533a. Sir George, would you agree with me that the Indian Army is a Caste Army—based upon caste?—It is certainly an Army based on many various groups and classes, all of whom supplement each other, and often stimulate each other to more efficiency by contacts.

12,534. Are you aware that for that reason the Anglo-Indian and domiciled community cannot join the rank and file

of the Army?—I do not think that is the reason. The difficulty so far as I know it has always been this first, that from status and cost of living they would expect to be paid rates approaching those of the Europeans. They do not live on the foods that the Indian agriculturist lives on, and therefore to use them in the Army as a rank and file has been more expensive than the pure Indian soldier while (I think in many ways wrongly) they have not been considered quite equal in value to the European soldier, and therefore purely on a matter of economies it has rather ruled them out. I myself think it has been one of the smaller tragedies of India that we have never in the last 60 or 70 years made use of them. I have often said so.

12,535. Would you be surprised if I told you that the Government of India and the Army Council there have stated that they could not enlist Anglo-Indians into the Indian Army for fear of interfering with the class homogeneity of the Army?—I do not believe it.

12,536. Well, that was the answer given me by the Government?—It has been misunderstood because there are plenty of ways of arranging it, if you thought it desirable, without hurting any feelings of any sort or kind.

12,537. Considering the closure to-day of other avenues of employment to this community and, considering the good stuff you have in it, would you, as a soldier of vast experience in India be in favour of having Anglo-Indian Units or a regiment or a Battery of artillery?—One of the difficulties is to replace your soldiers back in civil life. The Indian soldier goes back to his agriculture. The British soldier we do manage to absorb, but the ordinary Army service in the past, we have always held, would not give the Anglo-Indian a life career, and it would be difficult to absorb him into civil life. My answer to that has been that you might use them in the technical corps, signallers and sappers, where they would have a useful occupation for helping to be absorbed into civil life afterwards. That is how I have looked on the problem; and anyway, until perhaps days of considerable unemployment, we have always felt there would not be enough lads available perhaps to form so big a unit as a regiment.

9<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
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I have always been in favour of using them in some of the lesser units, and I myself have always thought that it has been a tragedy that we have not been able to do so, and by a little harder thinking it might have been possible.

12,538. Colonel Bruce, do I understand you aright by your General Memorandum, No. 77, that your Society is of opinion that the White Paper has been given as a gesture to the political intelligentsia of India, and with no regard whatever to the masses?—(Lieut.-Colonel Bruce.) No. I would not go so far as that, but I think that perhaps too great stress, on the Frontier anyhow, has been put on the political element as against the interests of the masses.

12,539. I am not talking of the Frontier only, but the General Memorandum applies to the whole of India?—Quite.

12,540. Would your Society be in favour of the Reform pendulum being put back?—No, I would not go so far as to say that.

12,541. Would your Society object to it going forward?—Certainly not, provided that by going forward it would not injure the masses.

12,542. In other words, your society does not care whether it goes back, forward, or remains static so long as the reform clock is working properly; in other words, so long as the White Paper gives you sufficient control and adequate safeguards?—All I am putting forward is the welfare of the masses. Provided that the advance also advances the welfare of the masses, the further it goes the better, but it has to have that safeguard.

12,543. Agreeing with you that the masses should be the prime consideration is there any evidence of anything that you can quote in which the masses in India have collectively objected to the White Paper; any body; any Association?—(Mr Justice Le Rossignol.) The Hindu Party in the Punjab.

12,544. You mean the Hindu Maha Sabha?—I believe they are totally opposed to any further advance on the road of representative government.

12,545. You say in paragraph 9 of your General Memorandum No. 77, "the power so retained should not be a bare sufficiency but have an ample reserve". Do you feel or do you not feel that this ample reserve is vested in the special responsibilities of the Governor-General

and the Governor as adumbrated in the White Paper?—(Lieut.-Colonel C. E. Bruce.) I am afraid I did not quite catch that question.

12,546. In paragraph 9 of your General Memorandum you use these words, "should not be a bare necessity but have an ample reserve" regarding the safeguards and powers?—Yes.

12,547. Do you or do you not think that that power is given in the special responsibilities of the Governor-General and the Governor?—No.

12,548. You do not think so?—No.

Mr. M. R. Jayaker.] I was wondering whether any useful purpose would be served by my asking questions about the details, because I find the views these gentlemen hold are so radically different from the Indian sentiment that there is no common ground between us. That is the feeling I have had on the matter, and I do not think I shall take up the time of the Committee by asking questions about the details. These gentlemen hold that it was a mistake to apply democratic principles to India, and that "the decline commenced from the day when British politicians endeavoured to endow India with democratic government", and that "the only reality is power"; and I know that these sentiments are so radically different from the Indian sentiments that I do not think I shall detain the Committee by asking any detailed questions.

Sir Phiroze Sethna.] I too do not propose to ask these witnesses any questions.

Sir Hari Singh Gour.] In view of what Mr. Jayaker has said, I also feel, my Lord, that I should not ask these gentlemen any questions at all.

Sir Abdur Rahim.] I also do not desire to ask any questions, as there is absolutely no common ground between these gentlemen and myself.

Sardar Buta Singh.] I have no questions.

Mr. Zafarulla Khan.] My Lord Chairman, having been told by this batch of witnesses that, since the introduction of the Reforms, or some of them, the administration in India is less efficient, more corrupt and far more expensive, and also that wherever in British India Indians have been interested in self-government the results have been almost invariably disastrous; also that only the brilliant exceptions among Indians

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achieve success in the higher ranks; also that the better class of Indian does not want democracy, and, finally, that the Indian does not want a vote, that he does not know what to do with it so he sells it, I think I would not be serving any useful purpose by putting any questions to this body of witnesses.

Mr. Y. Thombare.] I have no questions.

Sir Manubhan N. Mehta.] Nor have I.

Miss Pickford.

12,549. I should like to ask Mr. Lyall one question. Mr. Lyall in his replies to Sir Austen Chamberlain on Friday, Question No. 12,321 of the evidence, said that he considered that when the democratic system was introduced into India "it made it inevitable that the point of view put before the electorate should be anti-government". I should like to ask him whether he thinks that that was inevitable in view of the fact that there was an official irremovable Government and a popularly elected legislature which had no responsibility for that Government and no responsibility for forming another Government if they defeated the official government by their votes?—(Mr. Lyall.) I would not say that that was the reason of it. It has to be admitted that there was an alien government, but I remember very well an instance where there was a landholder and a lawyer of very high standing who, when I first knew him, was a most enthusiastic supporter of the Government, and I remember that the first time that I came in contact with him was when an assassination took place in one of the districts in Bihar, and I have never listened to a more patriotic speech or one that showed greater detestation of that Act than came from this gentleman. Thereafter I did everything in my power to try to get him to take an interest and to help him in all public matters and he did do so. After a very short time his attitude completely changed, and I said to him, "What is at the bottom of this"? He said: "Sir, your Government has done this. I am an ambitious man. I want a career. The only way that I can get it is to attack Government". That is a definite fact that was said to me and I think there is a very great deal of that. People have to do it because it is the

only way in which they can bring themselves prominently into notice.

12,550. But under a system of responsibility would not those ambitions be directed towards the support of the Government rather than to attacking it?—I do not think that that would be the result as long as the main power rested with the British Government. That, of course, is the crux and the difficulty of the whole situation. If they had only their own Government, possibly that would be so, but at present to introduce the vote when there is the transition stage to be gone through seems to me, as I said in my evidence, to have inevitably brought forward a state of affairs under which there would be, and must be, continuous opposition.

12,551. Arising out of that, you say that action should be taken either to slow down or to change the steps that have been taken. How would this anti-government agitation be lessened by slowing down the pace of democratic reform?—There again is a point in regard to which there may be a very great deal of difference of opinion, but to my way of thinking a great deal of the increase that has taken place in agitation is due to the success that has attended the anti-government policy. The more that is given, the greater is the demand, and the difficulty is ever to prescribe the limit up to which you are prepared to go and to stick to it for the time being.

12,552. But, as you say that you think the steps should be changed, in what direction do you suggest that they should be changed?—That is an exceedingly difficult thing to lay down here. We are asked to advise in regard to the White Paper constitution. I personally very much deplore that my attitude should appear to be so uncompromising on the subject, but that attitude is only adopted because, in my belief, there is a great deal of antagonism between what is desired by the masses and what is desired by the intelligentsia, and it is very difficult indeed at all times to strike the happy mean in regard to the amount of concession that will be acceptable and the difficulty that very often an excess of concession brings about a further appetite in the matter of demands.

Miss Pickford.] I think, my Lord Chairman, as these witnesses said in answer to the Primate that they had

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nothing to suggest, I will not ask anything further,

Sir Reginald Craddock.

12,553. I would like to ask Sir George MacMunn one or two questions. Sir George, although you were in the British Army and not in the Indian Army, you have always made a close study of Indian religions, modes of thought, and so on?—(Sir George MacMunn.) Yes, I have. I went out to India in 1888, and I have served a good deal with the Indian Army. The whole of India has a great attraction for me, and my forebears have been there. I have a great many Indian friends of all classes and races. I have taken some trouble to understand them, make friends with them, and learn the languages, for many, many years, so that I understand and am very, very fond of the country and many of the people I have met; they have served me.

12,554. And you very recently renewed your acquaintance with them, did you not?—I went out in the Spring. I happened to be the Colonel-Commandant of the Royal Artillery on duty and the War Office was glad that I should visit the Artillery in India. I was anxious to see and understand the movements of the last few years, so I went out to India and I toured almost the whole of India and went to almost every cantonment. I addressed all the Artillery men all over the place. I made a great many friends, cultivators, farmers, and traders, and I generally got out at the railway stations and chatted with everybody and had a talk with all and sundry, and I saw many old friends. I also attended a very big and unique gathering of Indian veteran Artillery-men at Amballa; the King gave me a special message to give to our Colonel-in-Chief, so I was thus able to renew a lot of my acquaintances, for what they were worth, with a great many people.

12,555. Are any of the impressions that you formed on that visit likely to be helpful to this Committee? If you can think of any, I should be glad if you would give them?—Perhaps I may give the impressions I gathered from talks I had with very many of them. As an officer who was really retired, one heard, perhaps, straighter things than

one hears when one is in an official position. I thought the men of standing that I talked to were extraordinarily cognisant of the progress that had been made in the last few years; we had a great deal of talk about it. They had a horror of the British influence entirely going. I met north, south, east and west this idea—especially amongst the trading business classes.—“Whereas we want all the progress that you can give us, and we want to take more and more share in world affairs, we cannot believe that you are going to leave us altogether, that you are not going to help us in the Services by keeping sufficient numbers and that you are going to deprive yourselves of all power.” One old friend said to me: “I do not quite understand what the British are aiming at, after all the money and the years they have spent. Are they going to help us, or are they going to leave us?” That was the great impression that I had—“For God’s sake, do not leave us altogether. Help us; but stay in sufficient power to steady the machine.” I am putting their Indian talk into my own words. They said, “Stay here with sufficient control to steady the machine,” wherever we went. The tone in India at the present moment among the people is this: I saw a great deal of the Zamindars. The Zamindars, of course, as you know, are suffering from bad markets, the result of the great irrigation which has meant an immense production and few markets for the moment. Everyone realised that. I am sorry to say so, but by the Zamindars it seemed to be put down to the Congress. I did not encourage their view, but that is what people said to me. “Agitation and non-co-operation has thrown trade and business back. We want to hear no more of non-co-operation.” I thought the country was in an extraordinary helpful and reasonable frame of mind. I stayed with His Excellency at Delhi for a week and heard of the talk there. I also heard the talk of the junior Civil officers who were going to “hold the baby” for the next few years; they were very anxious (I have never found anybody who was not anxious) that if the mystical control of the Services—not necessarily all European, because I talked to Indians who were Civil Servants—if our power in the



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districts is to disappear, there is nothing to take its place. Our power is psychological, and the districts were extraordinarily afraid of what would happen if anything is done to upset them. I am talking more of the Punjab and Central India certainly, but that was generally my impression. I thought India full of content and good will for the moment as regards everyday life, I was surprised. It may amuse you if I say that when I had finished I held a durbar at Amballa and talked for some time in Hindustani and Punjabi to these 1,200 veterans. They sent a message to His Majesty; they said: "Please tell His Majesty for us that we will clear Delhi out in a week for him if he likes." I have not had an opportunity of giving the King the message, but I am sure he would laugh. I think that is all that can be of use to you, Sir.

12,556. I would like to ask Mr. Waris Ameer Ali a question or two. Mr. Hayter gave evidence on the subject as to whether, supposing the whole of the White Paper scheme did not go through, for example, the disappointment caused by that degree of disturbance would be anything like as great as the disturbance throughout the country if the judicial system of ministration of law weakened in any way or their confidence in it was shaken. You, Mr. Waris Ameer Ali, are acquainted specially with the United Provinces so far as your service is concerned? Could you confirm anything that Mr. Hayter said with his experience of Bombay by your own experience of the United Provinces? What sort of actions and reactions are likely to take place in such circumstances?—(Mr. Waris Ameer Ali.) The point is, Sir Reginald, that once the twin supports of the social system have collapsed, there would be nothing to restore the social system. As long as the Judiciary, taking it in a wide sense, both the Judges of Assize (the Sessions Judges) and the Magistrates, and, on the other hand, the Police remain in being with undamaged morale, they can, humanly speaking, cope with any disorder. As I sincerely and with great regret believe (it is no pleasure for me to say it), and as I have said in my Memorandum, if with the present standard of civic conscience and of public duty, the Courts and the

Police are handed over to the control of what is called a popular assembly which will be elected by 10 per cent. of the country people, I believe that they will rapidly cease to function within a very short period of time, and that the resulting discontent will culminate in one of these appalling crashes of which we have had a foretaste in one or two areas already. We have had a foretaste without fortunately much loss of life but with a great deal of crime and brutality in South Oudh in 1921 in the Agrarian Revolt. We have had a foretaste unfortunately in two Indian States where the population, which is generally very much more patient and amenable than in British India, have at last turned against what they conceive to be the extreme limit of taxation, maladministration, oppression—call it what you may. Once that goes, that affects the Indian Army. What is the peasant soldier going to do when his home is set in flames by his private enemy, or anything like that? How is he going to carry out his duty in aid of the civil power, shall we say at Peshawar when his home in the Meerut Division is on fire, or he thinks it is? That, to my mind, with all respect, is the crux of the thing. It is not a question of Briton or Indian; it is a question of the system which is to control the country and the Police, until the civic culture of India is sufficiently aroused to allow of the same degree of non-interference on the part of the elected minister and of the elected legislator as there is in these islands. With regard to the discontent among the intelligentsia, I should be very sorry if the majority of my intelligentsia friends in the United Provinces were to burst out in riot and fury at the omission or non-omission of certain terms in the White Paper now under reference by this Honourable Committee. I should think it unlikely myself.

12,557. You think there might be efforts made to disturb the peasant and make him dissatisfied?—Efforts made by whom?

12,558. By agitation?—Now, or when?

12,559. Under a future system such as one can imagine with the White Paper constitution in force?—Yes. He will not require efforts; he will do it of his own accord. I have seen him do it.

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Mr. Zafrulla Khan.

12,560. Under the White Paper?—I have seen him do it before, long ago—10 years ago.

Sir Reginald Craddock.

12,561. That was in a time of a non-co-operation movement?—It was called a non-co-operation movement, but it actually took the form of agitators going round and preaching that the Kingdom of Heaven was rapidly approaching, to people who suffered in some cases under very real grievances from oppressive treatment on the part of some old-fashioned or oppressive landlords. They did not require much working up. Once the morale had gone in the district as Sir George has said the word was, "Come along; the rich shall be poor and the poor shall be rich. Mr. Gandhi is going to ascend the throne at Delhi on February 14th, and the English are going." That was because the battery in garrison had gone into camp.

12,562. Then you consider that under elected ministers responsible to a Legislative Council, itself responsible to the kind of electorate which is sketched, there will be more danger of demoralisation among the Police or the Courts than there is now?—Infinitely more, as I have stated in my memorandum. I do not see how you can stop it. It is not attributing any moral obliquity to the ministers or to the Legislature.

12,563. You would draw a distinction between an Indian as an Executive Councillor and an Indian who is a Minister who is at the mercy of the Legislative Council?—Every time, because the Executive Councillor has, during the past few years, in two Provinces, so far as I remember, had charge of the Police portfolio, to everybody's satisfaction. I am thinking of one in my own province. On the other hand, if he is responsible to what I may call without offence a very large number of backwoods members, imbued with the feudal habits of an earlier day, the thing will go, collapse—the police will down truncheons. I know what happens now.

12,564. In your experience, would it be likely that some powerful criminals who carry influence in these matters with the Minister would be able to shape the Police and interfere with their carrying out their strict duties?—Most definitely;

we have had it already; we have had attempts made already.

12,565. The information you are now giving us is entirely based upon your own experience, I suppose?—Yes.

12,566. I would like to ask Colonel Bruce just one or two questions. Colonel Bruce, you spoke particularly and almost entirely in regard to the frontier, did you not?—(Colonel Bruce.) Yes.

12,567. Of which you have a very long and intimate acquaintance?—35 years myself; and my father, brothers and god-father, Sir Robert Sandeman.

12,568. But I did not quite understand what you meant by certain figures that you read out. As far as I know, you were talking then about Baluchistan and Waziristan and about the Sandeman system having been applied there, and that that was the cause of the reduction in crime as compared with what had taken place just before. Is that a correct account of your meaning?—Yes and no, Sir Reginald. The Sandeman system was in Baluchistan as you say. The Sandeman system, or nearly the Sandeman system, was introduced into Waziristan after 1919, but the figures I dealt with as you rightly say were about the Kohat district. I pointed out, however, that in 1921 there was a great state of lawlessness, due, a good deal, to the power of the headmen of the district having been weakened. Believing that, every effort was made to resuscitate and repair the power and influence of the tribal leaders. At first I may say that practically no assistance whatever either was given or had been given. The excuse given by many of them was that loyalty had not paid. I remember one or two of them saying that in two villages information had been given about some raiding gangs; that later, the man who gave that information had been killed and that they were still looking for redress, that is to say, their relations. I therefore attributed a good deal of the decrease in crime to a rebuilding and repairing of the tribal organisation, which was an absolute essential of the Sandeman system.

12,569. Then I should probably get correctly the general purport of your Memorandum, and of the evidence you have given by saying that what you are afraid of is that large movements in India like the original non-co-operation movement and the Civil Disobedience of 1930—that

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these large movements over India generally are followed very soon by repercussions and reactions on the Frontier—on the tribes, and so forth?—Most certainly. Sir Reginald, and very very quickly indeed; in fact, the red shirt movement and various other movements, such as the City movement—were, I believe, very greatly due to repercussions from India proper.

12,570. You attribute the red shirt movement to that. I suppose you are very familiar with the red shirt movement?—Actually the red shirt leader belonged to the Charsadda sub-division of the Peshawar district. I was on two separate occasions in charge of the Charsadda sub-division as an Assistant Commissioner. I knew Abdul Ghaffar Khan's father. He was a very minor malik, or headman, of the Utmanzi village. Either during my own time, or certainly six months afterwards, his brother or certainly one of Bahran Khan's sons, was convicted under the jirga system, and imprisoned, I think, for 14 years. Abdul Ghaffar later rose to power, he was educated, I believe, in the Mission school in Peshawar, and failed to pass the matriculation, and later took up politics, or the Red shirt movement. I never was actually in Peshawar while it was still on, but its repercussions I saw while I was in Waziristan.

12,571. Is that movement still going on, do you know, or has it collapsed?—As far as I can hear it has more or less collapsed, but I have no doubt that it might very easily be resuscitated.

12,572. Do you trace a connection between the Red shirt movement and the Civil Disobedience movement of the Congress?—Yes and No. The Red shirt movement and the Congress fraternised, but I think probably that the Red shirts were using the Congress for their own ends, and Congress using them. I do not know that they were really very friendly at heart. That is what I mean.

Sir Reginald Craddock.] That is all I want to ask.

Marquess of Salisbury.

12,573. Colonel Bruce, generally speaking of the witnesses who surround you, you are all recently from India?—I left India on the 23rd March, 1931, and as to all the other officers, Sir George

has told you he has just been recently in India, and the others fairly recently.

12,574. It would not be true to say that the information which you are able to give the Committee is out of date at all?—I should be very sorry if it was so.

12,575. You are aware that it has very often been said that gentlemen who have been distinguished in India, and who have left it for some time, ought not to be attended to?—I have certainly heard it.

12,576. But that would not apply to any of you gentlemen, would it?—I hope not.

12,577. And most of you have had the opportunity of knowing what the people of India think about these things, Mr. Hayter, you have been a Police Officer, have you not?—(Mr. Hayter.) Yes.

12,578 Mr. Lyall perhaps will kindly tell the Committee what his career was in India?—(Mr. Lyall.) I have been identified with District Administration practically from the first day I went to India. I only spent about six months in the Secretariat in one instance and I toured India in the Co-operative Credit Department. I have held the posts of Sub-Divisional Officer and District Officer, Commissioner, and, finally, a previous Indian member of the Secretary of State's Council, suggested my name to take over the charge of a very large property in Bengal in regard to which a loan of three-quarters of a million had been raised in the City of London.

12,579. That was outside the official rank?—That was outside my official career. That is to say, I saw the administration of a very big property indeed from a point of view which is practically never given to an Indian civilian to see.

Earl of Derby.

12,580. What year was that?—From 1923 to 1929.

Marquess of Salisbury.

12,581. So it may truly be said that you have seen closely the play of Indian public opinion, in the districts that you know, as much as any Englishman has?—I think that must be so, Sir. It is simply a question of the number of years and days you have been put in working with Indians day and night. They have been some of the happiest years of my life.

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12,582. And you have had the opportunity of talking to others, of course?—I have.

12,583. I see you say in your separate Memorandum that you have had the opportunity of discussing with Indian officials who have recently returned from India the state of things?—Yes.

12,584. What view have the ones who have talked to you generally expressed to you?—The general view that they all give me is that if the administration and the promotion and the punishment of officers who have to give Empire Services (the Watchguard Services), are to be in the hands of people who are dependent upon the popular vote it makes a very very unsafe future for themselves.

12,585. I see you suggest there is a little distinction to be drawn between the Civil Servants who work in the districts and the Civil Servants who work in the Secretariat?—May I put it this way: Every Secretariat Officer has his lines cast in the big Presidency towns—headquarters—and day and night he is in touch with all the most educated opinion that there is in India. We who are in districts, on the other hand, are perhaps put in touch with the least educated opinion that there is in India, but I think what is at the back of the minds of all of us who are giving evidence is how are the interests of the most highly educated, and those who are least educated in the country, to be reconciled and safeguarded. We do not think that the past history of India gives a sufficient security, that there is to-day a sufficiently large number, not of educated Indians because there is a very large number of them, but educated Indians who know the point of view of the ryot and are prepared to go to the lengths that the Indian police and the Indian Civil Service have to go in order to safeguard their interests.

12,586. You have, of course, a great respect for the educated Indians as we all have?—I have indeed.

12,587. And you have a great respect for the Civil Servants, British and others, who work in the Secretariat?—I have indeed.

12,588. But you claim to have, as having seen the picture from the point of view of District Officers, and so forth, a

closer acquaintance with the mass of the people, their interests and their feelings?—That is what I submit respectfully.

12,589. That is what you wanted to bring before the Committee?—Yes.

12,590. And that is in a measure true of all the witnesses whom we have the honour to see before us to-day?—(Lieut.-Colonel Bruce.) I agree most certainly, my Lord, that the districts are the absolute corner stone of the administration, and that the District Officer who knows his district well, knows their languages well and tours his district properly, is bound to know the views and interests of the Zamindars and to sympathise with them. It might be said that for touring a district the motor car should make it much easier for the District Officer to know the people of his district; that should be the case; unfortunately it is not.

12,591. In your view, Colonel Bruce, the great mass, or a very large number of these District Officers view with great apprehension the democratic developments in India?—I think certainly in the districts I know, if their genuine views were taken that would most certainly be the case. Many of them who have been on leave at home have held the same view, unfortunately.

12,592. That is your view?—Yes.

12,593. Mr. Lyall, that is your view?—(Mr. Lyall.) That is my view.

12,594. Mr. Hayter, that is your view?—(Mr. Hayter.) Certainly. It is my individual impression which I have gathered simply from my own acquaintances individually that as far as the Police are concerned and the crucial question of the transfer of Law and Order, there is more opposition to the idea and apprehensions in the minds of Indian officers than there is in the minds of British officers.

12,595. Mr. Justice Le Rossignol, that is your view, too?—(Mr. Justice Le Rossignol.) Yes, my Lord. I think I can add that that apprehension is not confined to the District Officers. I have found it existing also in the minds of Secretariat Officers.

12,596. So that, if anybody were to say to you that the whole, or the great mass, of Indian official opinion was in favour of the findings in the White Paper you would say that was not accurate?—

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I would say it was untrue. (Lieut.-Colonel C. E. Bruce.) So would I.

12,597 You would say a very large number, perhaps a majority, of the junior officers in the districts were apprehensive of the advance in the White Paper?—I should. (Mr. Lyall) I should.

Mr. R. A. Butler.] Can you remember an instance of a junior officer?

Marquess of Salisbury.] Would not it be fair to let me have my own examination?

Mr. R. A. Butler.] I do not wish to interrupt the noble Marquess, but I want to get a further qualification of this remark with regard to junior members of the Services. I would wish to make it clear that I would be the last person to wish the Services to be quoted in any way, but I have had opportunities recently of meeting many of the junior officers, and this was not what I found to be their opinion. I do not wish to go into detail or to quote any particular officer or to bring the Services into the picture, but I just wish to qualify that statement.

Marquess of Salisbury.] We are very much obliged to Mr. Butler for his opinion.

Mr. R. A. Butler.] I am very sorry to interrupt the noble Lord.

Marquess of Salisbury.] Not at all. I am quite sure Mr. Butler's opinion is of the greatest value, but I was really asking the opinion of these witnesses. In their view, that is so.

Chairman.

12,598. Mr. Lyall, was it the junior officers or the senior officers who in your experience shared your views in these matters?—I think, if the question relates to the majority, I am only competent to give a reply in regard to the senior officers.

Marquess of Salisbury

12,599. In regard to the senior officers?—Yes, because I left India in the last four years. I have spoken to a considerable number who have been back since then, but so far as the junior officers are concerned I am not prepared to make any statement as to the percentages who share one view or hold another, but I do know that both views are held.

12,600. I see, Mr. Lyall, you say that even many Indians you know are afraid

that the proposals go rather too far?—Yes, my Lord; that is so.

12,601. So that this opinion of apprehension is not confined to European officials only?—I think not. I had a letter only a week ago from a barrister in Lucknow (it is not in my Province; it happened to be a man whom I had known very well) in which he expressed that opinion very strongly, that they could not understand why there was all this talk of reforms and reforms and reforms.

Mr. Zafrulla Khan.

12,602. And nothing done?—No. I think he suggested that, if it was desired, he, like Sir George MacMunn's friend, would do his best to get things put back where they were. He had nothing to get out of me.

Marquess of Salisbury.

12,603. The truth, of course, being that, like the inhabitants of every country (but it is especially true of India) the people really look to their own tranquillity and safety and the promotion of their interests. That is the think they care about most. Mr. Ameer Ali, I think you said in your evidence that the rural Indians want protection from oppression and violent criminals: that is the kind of thing they are really interested in?—(Mr. Waris Ameer Ali.) Most definitely, my Lord.

12,604. And if they think that by the strong administration of a well-ordered government they will get less oppression and less attacks upon their interests, they value that immensely?—Most definitely, as long as they respect the rule of law. Once that respect has gone, all manner of individual expectations come into play; the hope of loot; the hope of scoring off a neighbour; the hope of not paying rent—all manner of the baser thoughts of mankind: We have seen it before.

12,605. But we have to reckon with the best motives?—Taking it by and large, I know the peasantry of Oudh and the United Provinces very well; I have had a great many friends among them, and the great majority of them are only too thankful to be left in peace and left alone, and to have protection from venality or oppression and from violence and crime.

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Justice W. A. LE ROSSIGNOL.

12,606. Colonel Bruce, might I just ask you a question or two about the Frontier? You say in the evidence you have submitted to us that there has been an impression produced on the Frontier lately of weakness in the British Government?—(Lieut.-Colonel Bruce.) Certainly, my Lord.

12,607. And, Sir George, you say that, too, do you?—(Lieut.-Colonel Sir George MacMunn.) Yes, Sir. I happened to be in Peshawar; I was staying with the General commanding and heard a great deal of the astounding collapse of authority which happened when this absurd and very dangerous Red Shirt flare went up. A police officer was practically hung by the people in his own district, and one of the most remarkable districts for the last 80 years went in the wildest, murderous disorder. 7,000 Khuttacks, for generations one of the best-behaved Frontier tribes, were told that the British were going and why should they not come in? In travelling all over Peshawar, I was astounded at the stories I heard both from the British officers and some of the Indian officials that I had known there. I never could have believed it. It just shows how any government in India, whoever it is, can never know what is not going suddenly to make a wild and hysterical flare in this mass of millions of conflicting interests. I would not believe the stories I was told from Peshawar.

12,608. There is a desire for strong government amongst the orderly people of the Frontier?—I think the whole of the Frontier wants a strong government absolutely because it is a country of immense thieving propensities and dacoities, robbery under arms and the robbing of the trader and the carrying off of his wives; these are the ordinary rules of the Frontier unfortunately, directly the strong hand is removed—a very pitiable story. (Lieut.-Colonel Bruce.) Might I give one small story to corroborate what Sir George MacMunn said? Perhaps one of the most renowned robber tribes was the Mahsuds and Wazirs. The story is that when a Mahsud child is born, the mother places it through a hole in the wall saying over it: "May you rise to man's estate; may you be a thief and may the Almighty assist you in your unlawful

occasions." That is to say, that there the thief and the Almighty are placed together. I am sorry for interrupting you, my Lord.

12,609. Not at all. I was very interested in a passage in your precis of evidence in which you call attention to the importance of the harmonious working of the political officers over the Frontier with the district officers within the Frontier. That is so, is it?—Yes, I think it is most important and difficult to obtain.

12,610. Therefore it would be very important that the attitude of the district officers within the Frontier should be directed to the same ends as those of the political officers outside the Frontier?—It is most important.

12,611. And if they were under different authorities, that might not happen?—Well, I think the best way I can show that, my Lord, is to point out why that co-operation is so essential.

12,612. By all means?—The tribes across the border, I think I might say without certainly much exaggeration, are dependent for the necessities of life on the districts. Therefore, the pressure that can be brought on to the tribes when they misbehave themselves, as they sometimes do, is from inside the districts. Do I make myself clear?

12,613. Yes, quite clear?—Therefore, though the political agent, that is the officer across the border, is in charge of those tribes, he may not know exactly how to bring that pressure to bear unless he himself has been a district officer?

Sir Austen Chamberlain.

12,614. Just to get clear what Colonel Bruce is speaking of when he speaks of the border, I understand it is not the Frontier but the border between the tribal area and India? You speak of the border—what border-line?—There I am talking of the trans-border on the one side of the border-line and the districts which are on this side of the border-line.

12,615. But what border-line?—The Frontier, that is to say, the North West Frontier Province and Baluchistan.

12,616. When you talk of tribes across the border, do you mean tribesmen in Afghanistan?—No.

Lord Irwin.

12,617. You mean the administrative border?—Yes; one is tribal and the other is administrative.



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Sir Austen Chamberlain.] That is what I wanted to get clear.

Marquess of Salisbury.

12,618. But the point of your evidence really is that unless the authorities who control the district officers worked in harmony with the authorities who control the political officers across the border, it would be very unfortunate?—Most unfortunate. Might I give one single story in connection with that? I think it would drive home my point. Certain Kabul Khels, if I may give the name—Wazirs—had committed certain offences in the Kohat district. They were placed under blockade and the blockade was raised. Later on, the blockade was again put on and the tribesmen used to get their food through other sections in another district. Had the two district officers and the political agent not been working together, that fact would not have been known.

12,619. So if hereafter the district officers were under, let us say, a responsible minister, and the political officers across the border were under the Viceroy, and they did not work in harmony—then that would be a change for the worse in the administration of India?—Most certainly—dangerous.

12,620 That was the point. In the same way, Mr. Hayter, you told us that it is very important that the Police and the Army should work together?—(Mr. Hayter.) I think that is of most vital importance, perhaps because one cannot imagine that the Army by itself could ever operate in a country of the size of India without the auxiliary services which the Police can give it and have to give it in respect both of intelligence and keeping guard over points, lines of communication, and, similarly, that without that very close co-operation, the Police might be overwhelmed before military assistance could reach them if it were necessary. That is why I think I referred my memorandum to a paragraph in the Statutory Commission's Report, volume II, paragraph 213, in which it seemed to me that it was suggested that in order that local government should not be too free in asking for military assistance when there is trouble, that they should have to pay for it from the local government resources, and also that the Governor's requisition should be necessary before military forces could be set

in motion. It seemed to me in a matter of that kind that the Police might well be overwhelmed or lose their position entirely and chaos might ensue before the Military were set in motion to assist them. It seemed to me that that kind of recommendation must arise from the thought that perhaps the Government of India might not wish to send Military in support of Police action by a local government under the changed constitution without a good deal of consideration. In that case it seems to me to raise a very dangerous issue, possibly it looks as if it means that there would not be sufficient confidence for the Army to move immediately in support of the Police when it is asked to do so as it does at present. At present there is confidence.

12,621. You are anticipating a state of things under which the Police would be under the authority of the responsible government, and the Army, of course, would be under the control of the Viceroy himself. That is what you are thinking of, is it not?—Yes. I of course recognise that they are constitutionally now under different authorities, the Police being under the Governor, and the Army under the Government of India, but for all that, as a matter of fact, everything works together as one body.

12,622. And of course it might do so in any state of things?—It might do so.

12,623. But there is a certain risk that it would not do so?—A certain fear that it would not do so, and that is very dangerous.

12,624. The conclusion to which you gentlemen have come is that, in view of the evidence which you have given so clearly to the Committee, we ought to proceed in these changes with the greatest caution. Is not that so, Colonel Bruce?—(Lieut.-Colonel Bruce.) Certainly, my Lord. I think all our views are: Go as far as will not jeopardise the welfare of the masses of the people, but be very careful not to go further.

12,625. It would not be correct to say that you suggested to the Committee that they should go back upon the present state of things?—Most certainly not.

12,626. Nor that they should not go forward to a certain extent?—As far as possible, provided that safeguards are made.

12,627. But they ought to go with great caution forward?—With very great caution.



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Lord Rankeillour.

12,628. Colonel Bruce, I think under the Government of India Act, 1919, both the North-West Frontier and Baluchistan were reserved as Chief Commissioners' Provinces?—Yes

12,629. Are they at present governed under the same procedure?—Not now, but up till lately.

12,630. Till when?—The North-West Frontier Province was last year, I think.

Sir Hari Singh Gour.

12,631. 1931?—Yes.

Marquess of Reading.] But each of them was under a Chief Commissioner?

Lord Rankeillour.] I said they were reserved by the 1919 Act under the Chief Commissioner. I asked whether there was any difference now.

Lord Eustace Percy.

12,632. There has been no change in Baluchistan?—None.

Lord Rankeillour.] No, but there is a difference now between the two.

Marquess of Reading.

12,633. Baluchistan is under the Agent to the Governor-General?—He is called, as you know, both Agent to the Governor-General and Chief Commissioner.

12,634. Not constituted as the Chief Commissioner of the North West Frontier is?—He was also the Chief Commissioner and Agent to the Governor-General. It is reversed.

Lord Rankeillour.

12,635. Your attention was called last week to sections 57 and 58, about the Government of Baluchistan?—Yes.

12,636. Would you be satisfied if the same provisions as are in those sections were applied to the North West Frontier Province? Perhaps it is not a fair question to ask without notice?—It is a little hard, do you not think? I should like to go into it more

12,637. Or would you prefer the North West Frontier to remain as it now is? I throw it out; I do not press you on it?—Thank you very much.

12,638. Then I gathered from your Memorandum that you are afraid that in case of a war the military operations of the Indian Army might be to some extent jeopardised by I will not say the disloyalty, but the weakness of a provin-

cial government. Is not that so?—Certainly it would be jeopardised.

12,639. That was the case with the Cape Government at the beginning of the South African War, if you happen to remember?—Yes.

12,640. And you are afraid the same sort of thing might happen in India?—Yes.

12,641. There is only one other question I want to ask. I gather you have not the same degree of objection to the handing over of the Irrigation and Forest Departments to a responsible provincial Government, as you have to the Police or Courts?—Not the same objection.

12,642. But you have an objection?—I think it has to be done very very slowly, because irrigation is so important to the welfare of the people, who are the supreme test.

12,643. And you would reserve for the time being at any rate the senior appointments in those Departments or in Irrigation to Members of the All-India Service?—Yes.

Lord Middleton.

12,644. Colonel Bruce, it has been suggested that there has been deterioration in the services in the last few years: Do you agree that that is the case?—I certainly agree that there has been deterioration.

12,645. How would a dishonest official operate to his own advantage, say, in the Revenue Department?—It is very simple in the Revenue, because under the Revenue, Irrigation and Crops and everything to do with the Zamindar comes specially under that service.

12,646. Have you ever known of such cases personally?—Yes, I certainly have known of them.

Marquess of Reading.

12,647. You say personally: does that mean from your own experience, from what you have seen yourself, or from what you have been told?—Both.

Lord Middleton.

12,648. If bribery and corruption are rampant what would be the effect in rural India upon the revenue, for instance: would it affect the revenue?—It would affect it enormously.

12,649. Then may I take it that if corruption is widespread, the revenue of

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a Province might be very seriously diminished?—I should think most certainly.

12,650. And that might mean a budget deficit?—I did not quite catch that.

12,651. It might involve a deficit in the budget?—Certainly.

12,652 Then that would have to be dealt with, I presume, either by retrenchment in the Services or else by increased taxation?—I do not see any other remedy.

12,653 I would like to ask Mr. Lyall this: Would rural India be likely to accept increased taxation with equanimity?—(Mr. Lyall.) I think definitely not.

12,654. There might be serious consequences?—I do not think anybody appreciates increased taxation.

12,655. Does it amount to this, that if too rapid an advance is made in self-government, and if the Services deteriorate, the Government might have to face serious agrarian trouble?—I think that is most distinctly so. I do not think people can have any idea of the difficulty, even with things as they were, and with very great power in the hands of a District Officer, of his finding out where oppression is going on. I have been in districts where I have had complaints of 300 dacoities made before ever a charge was lodged with the thanna at all, and it only came to my notice personally because I was touring and I could not deal with them except under what are called the bad livelihood sections under which a man is convicted upon repute. It is an extraordinary provision of the law of India, but it is one of the most powerful. It put down extortion on a vast scale in that district. Then you would get agrarian trouble and everything that follows in its train.

12,656. It is fair to say that our success, such as we have had in rural India, has depended largely on lightness of taxation. Is not that so?—I would say very distinctly so.

12,657. Then would the agrarian trouble that might follow in certain circumstances be more serious to cope with than any possible disturbance through the disappointment of the intelligentsia if the provisions of the White Paper were very materially modified?—So far as my experience goes it would be, but

I have never had a really strong campaign of the intelligentsia in my districts because I have been very largely in districts which have not had much in the way of newspaper propaganda, but I could tell you of one instance where in one night (this was a very backward district indeed, not at all like the Frontier that Sir George referred to) 7,000 people turned out and tried to set on fire a police station for the sole reason that one man had been arrested, because that man had criminally restrained a woman from drawing water from a well. That man was arrested, taken to the thanna. It was the time of the Non-Co-operation Movement in 1921-22, and we should have had a repetition of the Chauri-Chauri incident where there were 27 police officers and constables lying mutilated and burnt, if it had not been that there was one officer in charge there, an inspector who during the War had been in the military, and with vast presence of mind he himself fired and controlled the crowd. They then went to the courts and the gaol, and there was extreme difficulty in dealing with that case. But that put down the whole of the trouble that was arising then, and that trouble was an attempt to set up a parallel set of Law Courts to the British Law Courts, I had instructed my officers that at the first opportunity that was to be brought to a head. This particular case was due to the fact that a man had sold a bullock and had received the money. A fortnight later the man who had got the bullock wanted to return it. There was not a hope in any of our British Courts because, after all, the deal was complete. He went to the other Courts and they brought social pressure to bear and it was in respect of that social pressure that the whole of the women of that household were not allowed to get water; and that is the kind of pressure that can be brought to bear. I would not have believed that 7,000 people could have turned up in one night like that. My only point in telling that to the Committee here is to bring home to the Committee the extraordinary inflammable material that there is in India.

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Sir Austen Chamberlain.

12,658. Am I right in understanding that the attempt in this case was to substitute an illegal court for the courts of the realm?—That is so.

12,659. It was the illegal court which was stirring up trouble, not the British court?—That is so; it was a set of courts that was brought into being by what I believe to have been the propaganda of the National Congress Party at that time.

Lord Middleton.

12,660. In view of what you have said, would you say that the Government is faced by difficulties and appears to be choosing the path which you think is most fraught with danger?—I should think so.

12,661. Colonel Bruce, would you agree with the statement that has been made, that interest in the red shirt movement exemplifies an awakening of political consciousness among the people?—(Lieut.-Colonel C. E. Bruce.) No, I would not agree.

12,662. Did the red shirt movement ever have any high ideals of a nationalist or patriotic nature?—I never had any actual dealings with the red shirts but as I have pointed out, I knew of them and their history intimately and I never heard or believed that it was in any way due to purely political movements.

12,663. In your opinion, would it have been easy to suppress the movement?—Most certainly, under any policy, such as in my Memorandum I call, and I think it is generally called, the Sandeman policy, because no such movement could have come into being under that policy. For it to have done so it would have meant the abrogation of the authority of the tribal leaders on which the Sandeman policy is to a very great extent based.

12,664. Who are the middlemen you refer to in your Memorandum?—I delayed, if I may say so, because it is rather difficult to define, and I have noted, as shortly as I possibly can, my views on that point. Under the close border system, the system in Peshawar as against the Sandeman system in Baluchistan, British political officers were forbidden or certainly discouraged from crossing the border. They had to depend very

greatly, therefore, on middlemen or go-betweens, both in their dealings with and in their knowledge of the tribes. It can be imagined what opportunities this system, the close border system, gave the middlemen for intrigues and possibly amassing wealth, and it would have been marvellous if some had not succumbed to such a temptation. On the evils of that system the late Lord Lytton wrote: "I think the employment of middlemen should be discontinued. I believe the North West Frontier presents a spectacle unique in the world. At least, I know of no other spot where, after 25 years of peaceful occupation, a great civilized power has obtained so little influence over its semi-savage neighbours; and again there is some reason to fear that these persons are not altogether incapable of promoting and provoking difficulties on the frontier in the hope of increasing their own importance." That was the late Lord Lytton's description of the middlemen.

12,665. One last question. You refer to the Frontier Crimes Regulations. Have they been restored?—The Frontier Crimes Regulations were in force in both the North West Frontier Province and Baluchistan. In two districts in the North West Frontier Province they were—I do not know whether done away with is the wrong expression, but they were not in force. I am not quite certain whether they are now. I have not heard that they have again been put into force.

Mr. Isaac Foot.

12,666. Colonel Bruce, there was one correction that perhaps might be made, having regard to an answer that was made this afternoon. I understand that Mr. Lyall served up to 1929?—(Mr. Lyall.) I was in India up to 1929.

12,667. The service ended in 1928, but you continued your residence in India up to 1929?—Yes.

12,668. Which of the witnesses, Colonel Bruce, have had experience coincident with or subsequent to the Inquiry of the Statutory Commission? The Statutory Commission made its First Report on the 12th May, 1930. That is the date I have just looked up. You yourself served at that time, and subsequently?—(Lieut.-Colonel Bruce.) I left in 1931.

12,669. Yes, I know you yourself did. Did any other of the witnesses have ex-

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perience coincident with or subsequent to the Inquiry of the Statutory Commission?—Mr. Waris Ameer Ali.

12,670. When was his retirement?—(Mr. Waris Ameer Ali.) In 1929, but the Statutory Commission was touring the country when I was there.

12,671. Yes, I know, and they made their report on the 12th May, 1930?—Yes.

12,672. It was some time before that that you retired from service in India?—About a year before.

12,673. You have made yourself acquainted with the concluding chapter of the first volume of the Statutory Commission's Report?—(Lieut. - Colonel Bruce.) It is some time ago.

12,674. I will remind you that it deals with the question of public opinion in India, a very valuable sub-chapter dealing with the pace of opinion, the pace of progress and the influence of the politicians of India upon the masses, and perhaps you will recall that there it says: "Although the politically minded Indians may be very few, their power over the masses is very great." You would agree with that?—Here I must speak only of that part of India, the Frontier, which I know. I should say that they were still very few in comparison.

12,675. Yes, but would you also agree that, although they are very few, their power is very great? I will quote the words, if I may, on page 405 at the end of the second paragraph: "The politically-minded in India are only a tiny minority, but they may be able to sway masses of men in the countryside," and they deal there with the power that they have in dealing with the masses. You would agree with that from your knowledge?—No, I would not agree with that as far as the Frontier is concerned.

12,676. Might I put the question to your colleagues as to whether they agree or disagree with the conclusions arrived at by the Inquiry?—(Mr. Waris Ameer Ali.) Hitherto not in the United Provinces. They have considerable influence. There are politicians and politicians. There are many men of substance and weight in the countryside who are politicians. There are many men of substance and weight in the towns who are politicians.

12,677. The questions can be answered. From your knowledge it is not so?—

Even as to the attitude of the educated peasant hitherto to the politician I will quote a Rajput Sergeant Major, a man who had served in the War and could read and write English to a certain extent. That was in 1928. He said: "It is all very fine the Government making us put slips of paper in one of these new-fangled letter boxes, but all it means is that someone comes round once in three years and is very polite to me because he wants my vote, and then I do not see him again."

12,678. Then your answer is that from your knowledge the politically-minded in India have very little influence on the masses?—I would not say "very little influence" but I do not think they have so much as is claimed in some quarters.

12,679. And you would disagree with such a conclusion as was arrived at by the Statutory Commission?—May I look at the Statutory Commission's Report?

12,680. They deal with the matter on page 405?—I have not seen it for a long time.

12,681. It is dealt with generally. Perhaps it would be rather long for you to express an opinion on because it deals from page 404 with public opinion in India, and shows that very considerable changes in recent years have had their effect even upon the village life and the ordinary masses of India. Perhaps you do not recall forming an opinion upon that chapter, do you?—Yes. All I can tell you is that, for my part, I have never seen a vernacular newspaper in any village, except on very rare occasions in the hands of a schoolmaster where there was a village school.

12,682. May I put the question to Mr. Lyall. Mr. Lyall, could you answer that question which I have tried to put very simply for my sake rather than for yours? Would you tell us what your experience is as to the influence of the politically-minded in India and their power over the masses?—(Mr. Lyall.) In my view a much greater weight is attached to it than it really carries. It is very difficult in many of the districts in which I have been to say what it is exactly that has swayed public opinion, but I am confident that a very great deal of it is due to superstition and various tales that are spread, various promises that are put out, and the effect of that, I think, depends very largely upon the

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method in which a corrective is applied to them by the District Officers when it comes out.

12,683. Whatever may be the influence of the politically-minded in India upon the masses, how would you counteract that influence. What machinery have we, or what methods can be adopted for counteracting the influence of the politically-minded amongst their own people?—Except when it becomes contrary to the law——

12,684. I am not speaking about contrary to the law. I am speaking generally of the politically-minded?—it is difficult to do so, but I was going to add that a very great deal of the effects of that influence is to bring people who listen to it against the law. I do not think myself that I should be very afraid of the effect of the propaganda of the politically-minded only on the people, because there is such a vast (as I believe it) amount of counter opinion which can be advanced by people who hold a contrary view.

12,685. Very well. Will you tell me how that can be exercised? Assuming there is the influence brought to bear by the politically-minded upon the masses how can that be counteracted?—Government counter propaganda might be done. It is a thing that I myself personally may probably be the worst exponent of in the world. On the other hand, I have not had difficulty in finding a very large body of opinion in the masses which was prepared to resist that. Really it comes to a question of where is the propaganda of the politically-minded going to lead? The only possibility of doing that is to reason with these people and let them know where it is going to lead to.

12,686. Who will do the reasoning?—(Mr. Hayter.) Might I supplement the answer?

12,687. Yes, please?—I would like to point out that it is very often the case that—you may say “agitators”, without any evil sense——

12,688. A very honourable term in English history?—derive a very great deal of their influence (they have in past years) through transgressing the law, and what is called in colloquial language “getting away with it”, and I think if sufficient care was taken that no agitator ever transgressed the law and got away

with it, you would find that their influence very much decreased, but they have so frequently defied authority that their influence has very much increased.

Sir Austen Chamberlain.

12,689. Your quarrel then is with the administration of law and order, say, within the last ten years. You think it has been weak and inefficient?—I think it has been affected very much by the necessity of exercising what is called conciliation.

12,690. The reservation of it then has not been a sufficient security in your view?—I would put it this way, Sir, that the trend of policy has been such that even reservation was not sufficient.

Mr. Isaac Foot.

12,691. You say in your Memorandum, paragraph 12: “Some may talk of taking the ‘risk’ of granting India a full-fledged democratic constitution, but we would ask them to remember that the risk is not theirs.” Would you agree that the risk would fall very heavily upon the existing European business interests in India? I will repeat my question, if it is not clear. Would you agree that the risk will fall primarily, or, at least, very heavily upon the existing European business interests in India?—(Lieut.-Colonel Bruce.) Yes, I should think it would; I had not much to do with it.

12,692. Are you aware that the European Association had its representatives here on the 4th July and gave evidence before the Committee? I asked the indulgence of the Committee in putting one question and getting an answer, and I would like you to give me your opinion upon that. The question was: “Supposing that there is no reform embodying provincial autonomy and responsibility with safeguards, do you think that there would be a dangerous expression of opinion in India.” The reply given by Mr. James, a reply which was confirmed by his colleagues, was in these terms—at least the question was a little larger than that, but perhaps I should carry it on. “Supposing the White Paper proposals were wiped out and there was no substantial advance as is suggested by the White Paper proposals, have you formed any opinion as to what is likely to be the reaction in India. The reply was: “Yes, I think that I can say this fairly, that the

9<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
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C.I.E., Mr. WARIS AMEER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr.  
Justice W. A. LE ROSSIGNOL.

Association would view with grave misgivings the position which would arise in India if reasonable expectations of political advance were now disappointed by the rejection of the White Paper proposals. This would, in our mind, lead to serious consequences, and it would be almost impossible, in our view, to re-establish that co-operation between British Indian leaders which has characterised the Round Table Conferences and has brought the whole question to its present stage. The view of the Association generally is that it is not practicable to go back behind the present Government of India Act. It is not possible to stand still, and the White Paper proposals, subject to such modifications as we are asking the Joint Committee to consider, do offer a reasonable and cautious advance towards the ideal of a federated India. I am glad to make that perfectly clear." That was the opinion of the men who, if there is the landslide that you apprehend, stand to take the main share of the risk, is it not? At present they have come over from India where their businesses are in existence, and they say that unless we make a substantial advance roughly upon the lines of the White Paper proposals, there will be chaos and disaster. Have you formed any opinion upon that?—That is, I think, an urban opinion on which there have been various answers. I personally have not had very much to do with European businesses on the Frontier.

12,693. But why should you say it is only urban, Colonel Bruce?—I think that is admitted.

12,694. Would not the Chairman of the Assam Branch of the European Association have other than an urban experience?—Assam is fairly far from Peshawar.

12,695. I quite agree, but Assam, I suppose, is mainly an agricultural community, is it not? I cannot recall any great industrial centres in Assam as compared with the others?—(Mr. Lyall.) It is a very large tea-planting area.

12,696. But when it is said that the European Association only spoke for an urban population, would it not be true to say that the representatives of the Assam European Association would have, supposedly, a considerable rural experience?—Undoubtedly.

12,697. Has that opinion been considered by the Indian Empire Society?—

(Mr. Hayter.) Might I answer that we have a very large number of the members of the Society who are tea-planters in Assam, and we believe (I do not know whether I am right in saying it—I have no definite warranty for saying it) that we have the support in our opinions of a tremendous majority of the whole of the planters in Assam.

12,698. There were two representatives of Assam who came before us?—I am aware of that, but that I believe to be the case. (Mr. Lyall.) Might I amplify that to a certain extent, if I can? I was in Calcutta for a long time identified with one of the large business firms there, and I know that there is a very great cleavage of opinion there just as there is in the services. I know that the views which you have expressed as having been put before you are held by a certain number, but there is a directly contrary view held by others. So far as Assam is concerned, I think what Mr. Hayter has said is also the fact that there is a certain number who will hold one opinion and another; but I would like to add this, that there has been a very great influence brought to bear by the Congress party in regard to business of large British firms both in Bombay and in Calcutta, very much less in Calcutta than in Bombay, and that influence has not in my opinion been a creditable one; it has been really blackmail and oppression.

12,699. Do I understand, Mr. Lyall, that when we have put before us this answer to an express question, which is regarded as being important at the time, and the answer was given by Mr. James and others, in which they said it was not only their answer, but the considered reply of their Association, we must modify that answer because of the improper pressure brought to bear upon them?—I think that is carrying my answer to a quite different conclusion.

Mr. Foot.] I do not want to do you an injustice.

Chairman.

12,700. Would you repeat it?—That is taking a conclusion from my answer which it does not warrant. So far as this expression of opinion goes in regard to the European Association, I still stand by what I said just now, that there is a very strong contrary view held among business men in Calcutta, and I believe



9<sup>o</sup> *Octobris*, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [*Continued*.  
Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
C.I.E., Mr. WARIS AMEER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr.  
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there has been a certain amount of repudiation in the Calcutta Press in regard to the attitude taken by that body. So far as Bombay is concerned, I cannot talk except from having had very great friends who were in business there and who told me of what went on, especially about 1928 and 1929; the pressure that was brought to bear upon them was almost unbelievable, and it did affect their businesses, so much so that many British firms had to accept a position which they resented most bitterly. I think there again it all resolves itself into a question of administration in Bombay. Again forgive me; I am talking of general repute in India, and at that time (I never had personal dealings there) the feeling was that in the administration in Bombay this kind of pressure was tolerated in a way that it ought never to have been. Here, again, gentlemen, we are getting into very, very difficult and controversial subjects, but there was a period in Calcutta when I was there—I should say it was somewhere about 1926 or 1927 when there was no sort of law or order in the whole district of Howrah, on the other side from Calcutta. You had on the one side a strong administration due to the Commissioner of Police; on the other side you had complete chaos, because there was no administration at all.

*Marquess of Reading.*

12,701. I do not quite follow the distinction. On the one side you say because of the Commissioner of Police, and on the other because of what?—Complete absence of any administration. The district of Howrah there at the time was under an Indian Collector, but I would associate with him for weakness, even more so, a European judge.

Sir *Hubert Carr*.] Perhaps I might throw a little light upon that for the Committee, with reference to the alleged opinions of the European Association. I was its President for five years, and know the care with which the Association collects the opinions from all its Branches throughout India. At the present moment, as Mr. Lyall has said, there must always be differences of opinion, but those differences of opinion have been so far reduced that the Associated Chambers of Commerce (their standing, I think, is undisputed) have agreed with the European Association in

the Memorandum submitted to the Committee, and have endorsed the evidence which has been put before them by those witnesses, so that, although there are differences of opinion, it may I think fairly be taken that they are less to-day than they have been in the past. I only wish to mention that, Mr. Foot.

*Mr. Foot.*

12,702. There is one further question I will put to Colonel Bruce. Has your Society taken any attitude towards the proposals for a federal system of Government in India? Are you generally in favour of a federal system of Government?—(Lieut.-Colonel *Bruce*.) It has been gone into, and I believe the recommendations were: the States first, and then the Provinces should come in—federation.

12,703. I do not follow the answer. The proposal, of course, is, following upon what took place at the beginning of the Round Table Conference, that the federal system should be set up if arrangements can be made, bringing in the States and the Provinces?—Yes.

12,704. Upon that main proposal have you or your Society come to any conclusion or any opinion? Are you in favour of that proposal?—As I have not myself had much to do with it on the Frontier, I should like Mr. Lyall to answer that question. (Mr. *Lyall*.) I think perhaps I can best answer the question by quoting what Sir John Simon once said to us at our I.C.S. Dinner. He said that this matter of federation was perhaps the one subject on which he was more entitled to give an opinion than anybody else. He said he had never known of any instance of successful federation being started as a whole from the very beginning. I believe that view has been expressed by him several times.

12,705. Would you mind saying what the time was when Sir John expressed that opinion?—That was in 1929, just after his Report had been issued. He said that all successful federations were the result of concessions, of mutual give and take, among bodies which had been, each of them, independent, and who worked together by common sacrifice and conciliation to arrive at a federated system. I think our view would be that it would be very much wiser to build up each of these separate units first, and give them time to function, and then



9<sup>o</sup> October, 1933 ] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
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see how this federation was to be done. Sir John Simon I believe laid down that his views had been changed owing to the fact that the States which theretofore had never been consulted had now given their consent. That is a point in regard to which it is difficult for us as a Society to have any up-to-date knowledge; but we believe there is not the consensus of opinion about the States that there was when the suggestion was first mooted.

12,706. Has the Society taken into consideration the statement of the Princes at the Round Table Conference that a system of federation is only possible upon the basis of Indian self-government?—I do not think I remember that statement, and I do not think we have taken it into consideration at all.

12,707. Of course, I am only paraphrasing, but if you will refer to what was said by all the spokesman at the time, the Nawab of Bhopal, the Maharaja of Bikaner, statements which were repeated by Sir John Simon in the last debate in the House of Commons, you will see that that was the condition of a federated system, that there should be a change involving responsibility at the Centre. Upon that primary question has your Society formed any opinion?—We have no definite guarantee or knowledge that the Princes still adhere to that opinion.

12,708. Have you any reason to think that they have departed from it?—No; far from it; but I do not think that their views in regard to federation to-day are what they were before.

12,709. Do you know of anything that has changed that principle, that federation must have as a condition precedent responsibility at the Centre in India? Do you know of any expression of opinion that has varied that?—I would say that that responsibility at the Centre can only be arrived at by what I have touched on, and that is mutual arrangement and concession among the various units, because it is going to be a very very difficult thing to reconcile the conflicting claims of British India and the Princes.

12,710. I agree that it is most difficult and I do not want to put a question to you about it. The question was whether your Society had formed any opinion upon it. We cannot form an opinion I say without those data. Our opinion is that

we ought to get the units working first, before you can arrive at a method of federating them.

12,711. There is only one other question I want to put. I apologise for keeping the Committee so long, but you put a question, my Lord Chairman, at the beginning bearing upon the first part of the Memorandum. "The decline commenced from the day when British politicians endeavoured to endow India with a democratic government." You remember, my Lord Chairman, putting that question, and Colonel Bruce gave the answer that he referred to something like 14 or 15 years ago; that you had in mind the changes that were then effected as being the day when that commenced. I would like to ask Mr. Le Rossignol to answer that question. Are we to assume from your evidence, Mr. Le Rossignol, that you would put that date very much further back than 14 or 15 years; that you have thought that the application of a democratic system to India was wrong from its inception?—(Mr. Le Rossignol.) Yes. I would put it back to the date of the Montagu-Chelmsford Reforms.

12,712. You would not put it back to Warren Hastings?—No.

12,713. Mr. Le Rossignol is very much better acquainted with the history than I am?—I should doubt that, Sir.

12,714. But is it not clear that from the time of Warren Hastings those who have been our responsible governors and the exponents of British opinion in India have always said that it is the purpose of our association with India to train them in the management of their own affairs?—Yes.

12,715. And that when that day came it would be the proudest day in our history?—Yes. The question is: Has that day arrived?

Mr. Foot.] You would think that the day that is spoken of here would go back very far.

Sir Austen Chamberlain.] Could Mr. Foot or the witness refer me to the passage in some declaration of Warren Hastings that they have in mind?

Mr. Foot.] The passage about the greatest day, of course, was from Macaulay.

Sir Austen Chamberlain.] That, surely, is very different from Warren Hastings.

9<sup>o</sup> Octobris, 1933.] Lieut.-Colonel C. E. BRUCE, C.S.I., C.I.E., C.B.E., [Continued.  
Lieut.-General Sir GEORGE MACMUNN, K.C.B., K.C.S.I., D.S.O., Mr. F. F. LYALL,  
C.I.E., Mr. WARIS AMEER ALI, I.C.S., Mr. O. C. G. HAYTER, and Hon. Mr.  
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Mr. Foot.

12,716. I think it will be found, upon enquiry, that Warren Hastings did himself express the hope that that would be established, and I will be able to get my friend, if I may later on, the express quotation. May I ask Mr. Le Rossignol what is the date on which he thinks we went wrong—how far back? "The decline commenced from the day when British politicians endeavoured to endow India with a democratic government." How far back would you put that day, Mr. Le Rossignol?—The date of the Montagu-Chelmsford Reforms. (Lieut.-Colonel Bruce.) May I say one thing about the 14 or 15 years that have been mentioned? I was asked at what date I came into contact with the decline, and that was my answer to that.

Chairman.] I think you misunderstood the question a little, Colonel Bruce. That was not my intention.

Marquess of Reading.

12,717. Just one question to clear up one matter as it is too late to go into detail at all, and that is with reference to Mr. Waris Ameer Ali's evidence. I think it was you Mr. Ameer Ali who spoke of crime and your fear of crime increasing in India; consequently the safety of Indians and others being endangered in India if the White Paper scheme was carried out. That was what you said, was it not?—(Mr. Waris Ameer Ali.) Yes.

12,718. What I wanted to know from you was, is that because you think the elected Minister would have pressure brought to bear upon him which would cause him to interfere with the promo-

tion, the discipline, the transfer, and so on, of the Police? Is that not part of your reason?—Yes, I think there is very great risk of it, if not, almost a moral certainty.

Lord Eustace Percy.

12,719. I only want to clear up a misunderstanding in this connection. In answer to Lord Middleton's questions about the deterioration of the Services in recent years you did not mean, Colonel Bruce, did you, to imply that there was to-day widespread corruption in the administrative services in the Provinces?—(Lieut.-Colonel Bruce.) It has certainly increased.

12,720. But in what administrative services—particularly in those that have been transferred to the control of Indian administrators?—I would not like to give an opinion exactly upon that.

Sir Akbar Hydari.] Was not the question about responsibility in the Centre and federation and the Indian States this, that whether the Indian States or the Indian Princes enter the federation or not, there may be a certain amount of doubt as to how many Provinces will enter the federation; but all the Indian Princes, without exception, have made it a condition precedent that they cannot agree to enter any federation unless the Federal Government has got responsibility in the Centre?

Mr. Foot.] That is the question, which has been put by Sir Akbar much better than I put it.

Chairman.] We are greatly obliged to you gentlemen for having appeared before us, for having prepared the memoranda, and for having given your evidence. Thank you very much.

(The witnesses are directed to withdraw.)

Ordered, That the Committee be adjourned to to-morrow at half-past Ten o'clock.

**DIE MARTIS, 10° OCTOBRIS, 1933.**

**DIE JOVIS, 12° OCTOBRIS, 1933.**

*Evidence given on these days by the Secretary of State for India and his advisers is printed for convenience in Volume II<sup>B</sup>.*

**DIE MARTIS, 17° OCTOBRIS, 1933.**

**Present:**

Lord Archbishop of Canterbury.  
Lord Chancellor.  
Marquess of Salisbury.  
Marquess of Zetland.  
Marquess of Linlithgow.  
Marquess of Reading.  
Earl of Derby.  
Earl of Lytton.  
Earl of Peel.  
Lord Middleton.  
Lord Ker (Marquess of Lothian).  
Lord Hardinge of Penhurst.  
Lord Irwin.  
Lord Snell.  
Lord Rankeillour

Lord Hutchison of Montrose.  
Major Attlee.  
Mr. Butler.  
Major Cadogan.  
Sir Austen Chamberlain.  
Mr. Cocks.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Isaac Foot.  
Sir Samuel Hoare.  
Mr. Morgan Jones.  
Lord Eustace Percy.  
Miss Pickford.  
Sir John Wardlaw-Milne.  
Earl Winterton.

The following Indian Delegates were also present:—

**INDIAN STATES REPRESENTATIVES.**

Sir Akbar Hydari.  
Sir Manubhai N. Mehta.

Mr Y. Thombare.

**BRITISH INDIAN REPRESENTATIVES.**

Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Lt.-Col. Sir H. Gidney.  
Sir Hari Singh Gour  
Mr. M. R. Jayaker.  
Mr. N. M. Joshi.

Sir Abdur Rahim  
Sir Phiroze Sethna.  
Dr. Shafa'at Ahmad Khan.  
Sardar Buta Singh.  
Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

*Evidence given on this day by the Secretary of State for India and his advisers is printed for convenience in Volume II<sup>B</sup>.*

17<sup>o</sup> Octobris, 1933.]

[Continued.]

Miss ELEANOR F. RATHBONE (a Member of the House of Commons) is further examined as follows:

*Chairman.*

13,549. Miss Rathbone, you were good enough to give us evidence on the 27th June, when it was not found possible to complete your examination, and you

have kindly returned to-day. You speak again to Memorandum No. 9 and you have provided us with a Supplementary Memorandum which is numbered 84?—Yes, it is as follows

#### MEMORANDUM 84 (SUPPLEMENTARY) BY ELEANOR F. RATHBONE.

*Note.*—These Notes merely supplement my previous Memorandum and are mainly replies to points subsequently made by Witnesses, Members or Delegates. The paragraphs are numbered to follow on from the main Memorandum.

##### PARLIAMENT'S LAST OPPORTUNITY.

60. It is clear from the Secretary of State's evidence that this is probably *the very last opportunity* for the British Parliament and people to exercise any effective influence on the future of Indian women. In No. 20 page 817 of the Minutes, he said:—

"I would have thought the wiser course was for us to insert in the Constitution Act a definite period during which no franchise alterations could take place at all. I think that is necessary in the interests of stability. I think after that period those questions are essentially questions for the Federal Government and for the Federal Legislature, and I would rather leave the subsequent period in their hands."

Later he enlarged on this view, referring to franchise as "very much a matter of internal politics."

61. In the subsequent discussion, the very different view taken by the Simon Commission was pointed out. Its Report stated that

"This is a matter as to which the British Parliament cannot remain indifferent. If a new Act of Parliament is to confer powers of self-government on the provincial councils, it should at the same time provide means for securing that these councils will in time rest on wider popular support than they can at present, so that the transferred powers may not remain in the hands of an oligarchy." (Vol. II, p. 94, par. 10.)

The Commission had therefore proposed that after 15 years a second Franchise

Commission should be appointed to review the progress made and if necessary devise means of accelerating it. The Secretary of State suggested that the two views might be reconciled by retaining the power for Parliament to legislate "if it is satisfied that the Federal legislatures and the provincial legislatures are not carrying out their duties fairly." But it was pointed out that a vague provision of this kind was very different from the definite proposal of the Simon Commission, which recognised the danger that the privileged classes might not be willing to share their powers with the unprivileged, unless there was express provision that they should do so.

62. I suggest that the above danger concerns not only the peasantry of India, but more especially its women. The White Paper proposals condemn them to a severely restricted franchise, on grounds of administrative convenience which admittedly refer mainly to the first election. (See par. 78.) Yet Parliament is asked to divest itself of all responsibility for seeing that the restrictions are removed when the temporary need for them is over. This attitude seems inconsistent with the view widely held in Parliament concerning Great Britain's "trusteeship for the dumb millions" of India. It is true that in most countries extensions of the franchise have been won by the unprivileged classes from the privileged. But this has usually come about, if not by revolution, through long, embittered and sometimes unconstitutional agitation. Is it desirable to expose the women of India to the necessity of treading the same painful path?

63. If however, the above proposal of the Secretary of State is carried out, then that greatly strengthens the considerations set out in the latter part of my main Memorandum. This briefly summarises the cruel conditions under which Indian women suffer and the failure of British rule to remedy these.

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[Continued.]

We are now asked to hand over these women to new and untried forms of Government, without so much as providing them either with the constitutional means of remedying their own conditions, or even with any security for attaining in the future to the possession of these means. It should be remembered that in future it will not presumably be possible, even for questions to be asked in Parliament concerning the matters of health, education, civil status, etc., which so vitally concern women.

#### FRANCHISE FOR THE FEDERAL ASSEMBLY

64. I submit respectfully that the case for the White Paper proposals is at its very weakest concerning the Federal franchise. Here no witness has disclosed "administrative difficulties" to justify the retention of the admittedly inadequate ratio of less than one woman to twenty men. On the contrary, Sir John Kerr testified that—

"If the Federal electorate is increased from 8 to 36 millions, very little addition to the present staff would be necessary to manage the Federal elections in addition to the Provincial elections on that scale." (No. 20, p. 799; q. 7074; see also quotation in my para. 74.)

It can scarcely then be urged that serious difficulty would be caused by adding to the Federal roll the two or three million additional voters necessary to make up the women's ratio to the one woman to 4½ men recommended by the Lothian Committee.

65. The two alternative means of making the additions are indicated in my main Memorandum, p. 4, para. 7. They are briefly:—(i) If the literacy test is accepted for Provincial elections, to add the women registered under that test; (ii) If the literacy test is *not* accepted, to add the wife voters from the Provincial registers, who will themselves be wives of Federal electors.

*Both proposals involve nothing more than the transfer in bulk of an already prepared list.*

Other possible alternatives are (iii) to make the property qualification for women Federal voters the same as that for Provincial electors; and (iv) to add the wives of Council of State voters. But the last would add an almost negligible number.

#### PROVINCIAL FRANCHISE.

66. Discussions concerning this have chiefly circled round the "administra-

tive difficulties" alleged as reasons (a) for requiring qualified wives to apply for their votes, (b) for substituting various forms of school certificates for the simple literacy test.

As these are the chief means by which the ratio of women voters recommended by the Lothian Committee has been whittled down in the White Paper, they require careful consideration.

#### *Condition that wives must apply for their Votes.*

67. The official evidence (No. 20) indicates that the reasons for exacting this condition were three.—(i) to cut down numbers; (ii) to save the labour and expense of sending round officers to enrol the wives; (iii) to avoid the "trouble" anticipated in certain Provinces where village husbands might resent enquiries about wives' names, etc.

68. As to (i) the cutting down of numbers, I suggest that the Committee is on the horns of a dilemma.—If the application condition only reduces the number of registered wives from a potential four million to an actual three million, the saving (as Lord Lothian pointed out, No. 20, p. 829) is not worth it. An additional million spaced over all Provinces cannot possibly overstrain the administration. But if the cut is expected to be larger (and that is far more likely), then it would be disingenuous to continue to represent the White Paper proposals as giving women a voting strength of one-seventh of the electorate (5 millions out of 35).

69. In trying to exhibit the numbers offered to the best advantage several members suggested (No. 20, pp. 829-31) that the number of wives who applied to vote might be taken as nearly equivalent to those who actually voted. In Sir Austen Chamberlain's words: "If the voter has applied to be put on the list, you may be pretty certain that he is going to use his vote." I suggest that this is very far from true. Elsewhere (No. 21, p. 841), the Secretary of State promised that application by the wife should be made as easy as possible. If that promise is carried out, there should be four alternative methods of application:—

- (i) by the wife personally;
- (ii) by the wife by letter,
- (iii) by the husband personally on her behalf;
- (iv) by the husband by letter.

It does not at all follow that, because a woman manages to apply for her vote

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[Continued.]

by any of these methods any time within several weeks or months, she will be able when polling day comes to walk five, seven, or ten miles (estimated by Sir John Kerr as common walking distances between villages and the nearest polling station—No. 20, p. 798) to record her vote. How many British village women would do it? A score of valid excuses—a sick child, the family cooking, care of livestock, weather—may prevent. The leakage as between proportion of application and actual voting will be great. If only the first of the above methods is permitted, the proportion of applicants will be much fewer and the leakage when it comes to actual voting still considerable.

70. As to (ii) labour and cost of enrolment, this admittedly would only be great at the first General Election. Does it justify condemning women, perhaps permanently, to inadequate representation? Could it not be met (a) by extending the preparatory period, even at the cost of postponing the first Election for a few weeks or months? Or (b) by employing additional staff? Would the necessary quality of worker be either expensive or difficult to obtain? One has gathered that skilled clerical labour—even of graduates—is both superabundant and ill-paid. Or (c) by employing the paid or unpaid help of educated women already engaged in educational, health and other social work. (See evidence of Indian women witnesses, Sub-Committee C2, p. 49, q. 243.)

71. (iii) The last mentioned suggestion might also help to avoid the "trouble" feared to arise in certain districts from the questioning of husbands as to wives' names, etc. This fear was supported by the experiment in the United Provinces described by Sir Malcolm Hailey, of making up a test electoral roll in certain selected areas. (No. 21, p. 839.) Certain notes and queries arise as to the value of this test.—(a) "In the towns there was no great difficulty," only in the villages. (b) The Agents employed were of "village accountant type"—a type stated elsewhere to receive an average salary of £1 a month (Sub-Committee C2, p. 55, q. 316). Would a higher type of worker have obtained better results? (c) Did these Agents explain the reason for the enquiry; that the Government contemplated conferring a privilege on these households? Did they prepare the ground by enlisting the sympathy of

Village Headmen, who could explain the matter beforehand? (d) Could the difficulty about names be met by simply ascertaining that there was an adult wife and inscribing her as "wife of A.B."? (e) Does the difficulty exist in all Provinces and communities? Several Delegates thought not. The Secretary of State spoke of warnings received "from one or two Provinces." (No. 20, p. 830.) (f) Has a similar difficulty been encountered in Census enquiries?

72. Finally, is it conceivable that if Governments (Central and Provincial) really desired to overcome this and similar difficulties, they could not, in the two years or so that must elapse before the first General Election, so utilise the machinery of education, press, co-operative and other welfare agencies, as to familiarise and prepare the minds of the people for their new responsibilities?

73. I suggest, however, that the best proposal for reconciling the application condition with the need for an adequate and intelligent women's vote is that set out in par. 16 (i), page 10, of my main Memorandum, namely, that the wives of all propertied voters should be registered on application, instead of only (as proposed) the wives of men qualified to vote for the Centre. This would enfranchise the more politically awakened wives of a large class, instead of all wives of the more well-to-do (as in the Lothian proposal). It also meets the desire of many witnesses, including representatives of Indian women, for a more democratic franchise. The sole objection to the proposal seems to be that, if applications were more numerous than many of the most experienced observers predict, it might give women several ounces more than the pound of flesh held out to them by the Lothian proposals. If this objection is considered grave, methods of reducing the numbers are indicated on the same page 10, (ii) and (iii), of my main Memorandum.

But the evidence of official witnesses indicates that the size of the electorate to be tackled on polling day is a less formidable consideration than simplicity in preparing the registers.

74. As to this, some very reassuring evidence was offered by Sir John Kerr. In No. 20 of Minutes, p. 799, question 7074, he said:—

"Under the Lothian scheme the Provincial electorate will number 36,000,000. The Lothian Committee

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[Continued.]

was satisfied that the staff existed which could manage an electorate of that size . . . . The sort of staff which handles these electorates is a staff which can be increased without any serious difficulty. There will be a certain amount of expense, of course, but no serious expense and no serious difficulty in having an enlarged staff to meet an increased electorate as time goes on."

But the electorate under the White Paper proposals is estimated not as 36 but 35 millions, and that only on the highly improbable assumption that out of 4 million wives qualified to apply for registration, 3 million actually do so.

In Minutes No. 20, pp. 835-6, Sir John Kerr gave calculations showing that police protection could be provided for 25 million voters voting on the same day. But a registered electorate of 35 millions certainly would not yield at first an actual vote of 25 millions and on p. 834 the same witness explained that elections for general seats and communal seats usually were, and for several reasons should be, held on different days.

The question here arises (not, I think, discussed in the evidence) as to *whether all the elections for general seats need be held on the same day*. If there is any doubt as to the adequacy of the available staff, especially the more skilled portions of it, cannot the difficulty be met by spreading the elections over several days, either within the same constituency, or by polling different constituencies on different days, so as to permit transfer of staff? Judged by British experience, a spread-over election has some advantages in tending to correct an excessive "swing of the pendulum."

75. As to the possible difficulty, suggested by some Members, of preventing personation of women voters, Sir John Kerr (No. 20, p. 801) was emphatic that

"with regard to the village women, the sort of women who will get the vote for the Provincial elections, there will in most cases be very little practical difficulty in identifying them." (q. 7095.)

Where the woman is veiled,

"you will have to take the husband's word for it, in most cases; but the neighbours, and people of that kind, would be well aware of any attempt to defraud the public. . . . They do not do things in a hurry at these

places, it is all done in a very leisurely sort of fashion and there is plenty of time for people to look around." (q. 7096, 7099.)

As to the women in the towns, the witness admitted that women clerks and polling officers could usually be obtained where necessary, and that even veiled women would not hesitate to unveil before these.

*Concerning personation and bribery, does not British history show that the best cure for corrupt practices is to make the electorate so numerous that bribery is too expensive and personation not worth the risk?*

76. As to whether an illiterate voter, man or woman, would be able to understand the coloured box system and so be able to vote for the candidate of his choice, Sir John Kerr was equally emphatic.—

"There is no difficulty at all in getting the illiterate voters to understand a mechanical method of putting their papers into a box of a particular colour." The plan "has been in force in parts of India for a great many years in municipal elections." (pp. 800-801, q. 7082, 7088.)

He had heard the evidence of District Officers who had themselves worked the scheme and had himself seen it in operation at Municipal elections and later as Deputy Chairman of the Franchise Committee. He found that.—

"it was one of the few things that people were practically unanimous about—the certain success of this coloured box system of polling." (No. 20, p. 812, q. 7181.)

*Educational qualification for voters.*

77. I suggest that the evidence discloses an exceedingly weak case for the proposal to substitute (except in Madras) various forms of College- or School-certificates for the simple literacy test recommended for women voters by the Lothian Committee.

The arguments for the literacy test are set out in my main Memorandum, par. 7 (ii) (Federal) and pars. 11-12 (General). They are confirmed by the evidence of all the women witnesses, of Sir Philip Hartog, former Chairman of the Education Committee of the Simon Commission, and by opinions expressed by several delegates. All these are convinced that the White Paper proposal



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will exclude many of the best-educated and most active women workers since they can produce no school certificates. It was admitted by the Secretary of State that the number of women voters it will bring in is almost negligible, "much less than 100,000" in all India. (No. 20, p. 829, q. 7307.)

The reasons for the proposal were explained by the Secretary of State and Sir John Kerr in No. 21, pp. 842-4. They were broadly two:—

(i) Theoretic objections urged in various Provinces against a differential education qualification for women. Yet the theoretic objections of these Provinces to sex differentiation has not prevented them from acting in the spirit described by Sir Philip Hartog as "spend all you reasonably can on the boys and, if there is something over, spend it on the girls," so that in fact only one-seventh of the educational expenditure (and that a decreasing proportion) has been spent on girls (Sub-Committee C 1, p. 9). And it is in deference to the views of the Provinces that the condition of application is being imposed on wives but not on husbands.

(ii) "Administrative objections." The only indication as to the nature of these is that given by the Secretary of State and Sir John Kerr. (No. 21, pp. 842-3.) We gather that owing to the very varying and imperfect way in which school records, especially for girls, are kept in different Provinces, each Province has been allowed to select as educational test the form of school certificate of which registers were most easily available—some Matriculation or School-leaving certificate, others\* Upper Primary, etc. But if fairness to electors and uniformity as between Provinces is any object, this seems rather an argument for than against accepting, at least for girls, the literacy test, proposed in the Lothian Report (p. 86), to be applied as follows.—

"The names of all adult women who are recorded as literate in authoritative educational records should be placed on the electoral roll; it would be necessary for other women to satisfy the officer in charge of the roll that they can read and write either by a personal application or by the production of a certificate from an authority appointed by the local Government such as a magistrate or school-teacher, or an inspectress of schools. It may be

assumed that only those who are interested and politically conscious will apply."

Under this plan only women whose names were on no school record and who could not easily procure a certificate from one of the authorities named would have to make personal application. Sir Philip Hartog suggested the method of doing this:—

"The test is perfectly easy. I rely not only upon my own opinion, but by questioning some of the most experienced district officers of the past who are now here. It is perfectly easy for a village officer, controlled by a tahsildar as suggested, to dictate a passage to a would-be elector and to listen to that elector read it." (Sub-Committee C1, p. 11.)

The numbers of personal applicants would not be large and it seems questionable whether this form of personal test would not be an easier way of settling disputed claims than one which requires, in every case, references to perhaps imperfectly kept school or college registers. It is at least significant that Madras, with a larger proportion of literates than any other Province, is willing to accept the literacy test for both sexes, an enormously larger proposition than its application to women only. Note also that in Bombay and the Punjab, simple literacy has been accepted as a voting qualification for the depressed classes—in the Punjab only if necessary to make up their voting strength to the desired ratio of the population (White Paper, pp. 105, 108). If administratively practicable for them, why not for women?

Note also the strong opinion expressed by Sir A. P. Patro that in Bombay and Central Provinces, the records exist in such a form that Upper Primary standard might easily have been chosen instead of the much higher certificate demanded by the White Paper. (No. 21, p. 843.)

78. It is significant that all the official witnesses—the Secretary of State, Sir Malcolm Hailey, Sir John Kerr—repeatedly stressed the importance of avoiding administrative difficulties at the first election. For example, the Secretary of State spoke of warnings from Provincial Governments "against straining the machine too severely at the first election" (No. 21, p. 845, q. 7448) and Sir Malcolm Hailey said, concerning objec-

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[Continued.]

tions to enrolling wives without application, "I think I am right in saying that our objections apply really to the initial procedure of the First Roll." (No. 21, p. 840, q. 7411) Yet no provision is made for lowering the educational test at any subsequent election and with regard to the condition that educational and wife voters must apply to be registered, this is to hold for the first two elections and thereafter unless the local Government concerned chooses to modify it. (White Paper, p. 94.)

79. Concerning the proposal put forward on behalf of the All-India Women's Conference, the Women's Indian Association and the National Council of Women in India, namely, that as a substitute for the wife's vote, adult franchise might be granted in all urban areas.—As this proposal has the support of this important section of Indian women's opinion, I merely sum up its apparent advantages and disadvantages.—

The main *advantages* of the proposal are (a) that it would secure a larger proportion of working-class women than the White Paper proposal; (b) that urban women are generally held to be more progressive and politically awakened than rural women and that their further education in politics and social reform through propaganda, canvassing, etc., will be easier, (c) that as many technically urban areas in fact include rural villages, the interests of village women would not go unrepresented; (d) that urban distances being shorter, the voters could more easily get to the poll; (e) that women officers to assist in registration and polling are more easily available in towns, (f) that as the number of potential women voters covered by the proposal is (as estimated by those responsible for it) about five or six million, the condition of application involves less danger of unduly cutting down the numbers than in the case of the potential four million wife voters covered by the White Paper proposal.

The main *disadvantages* of the proposal are (a) that it would concentrate over three-fifths of the woman's vote in less than 10 per cent. of the constituencies, (b) that the rural women, who would thus be left with almost negligible means of influencing the representatives of their constituencies, are already the most neglected in matters of education and hygiene.

It might be possible to reconcile these conflicting considerations and secure a system combining substantial numbers with administrative simplicity, if the Committee can see its way to combining (a) adult franchise on application in all urban areas, or in large towns only, with (b) the White Paper proposals as they stand for women's franchise in other areas. This would not, as some have suggested, upset the balance of power as between town and rural voters. The balance depends on the number of elected representatives assigned to each. A mere increase in the number of voters in some constituencies is not an injustice to others, provided that all interests within these others are adequately represented. (This proposal is alternative to that contained in my para. 78.)

80. The nature of the responsibility which the Committee will incur if they fail to secure for women really adequate means of self-protection must, I think, have been brought home to them by the evidence given on behalf of bodies representing strictly Orthodox opinion among Hindus and Muslims respectively. The three representatives of the All-India Varnashram Swarajya Sangha, who claim to represent 95 per cent. of Hindus—a claim energetically disputed by several delegates—agreed in demanding a provision in the new Constitution—

"enacting that the future Indian legislatures (whether Federal or Provincial) shall be debarred from passing any measure affecting the personal law or the religious faith, practice, institutions and usages, of any community." (No. 27, p. 1329.)

All three alluded repeatedly to legislation regulating Age of Consent, Age of Marriage, or Widow remarriage as outstanding instances of the kind of legislation they objected to.

As to *suttee*, Mr. Acharaya explained that, provided the act was voluntary "it is considered the highest ideal of humanity." He would regard a wife who "chooses to die along with her husband and cannot live without him" as "part of divinity." (No. 27, p. 1335.) Evidently he would include as inadmissible legislation prohibiting the practice, provided it was voluntary, as indeed *suttees* were always asserted to be by their promoters in the days when the practice was common. (See Edward Thompson's book on "*Suttee*.")

The Committee may regard the risk here indicated as illusory. A year ago

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they might have thought equally illusory the risk that Germany would revert to the darkest practices of the Middle Ages. All of us in all countries have had a rude lesson in the danger of under-estimating reactionary influences.

Speaking on behalf of the All-India Muslim League, Mr Yusuf Ali opposed any differential voting qualifications for women. Reminded that this objection was inconsistent with his demand for weightage for Muslim minorities, he replied that

"there can be no difference of interests and no conflict of interests between men and women. Therefore, the analogy which you want to apply does not apply to the case of men and women. Women have never suffered on account of men in the matter of legislation anywhere in India." (No. 26, p. 1259, q. 9362.)

As a comment on this astonishing assertion, I refer the Committee to the summary of women's social conditions in my Memorandum, p. 11 onwards.

81. The vote may be an inadequate protection against such evils. But it is better than none and its efficacy strengthens with the habit of its use. At least there can be no justification in withholding it from women while granting it to their possible oppressors. Its value would be immensely enhanced if women were given a really strong position in the administration, so that they could exercise effective oversight over the whole field of women's needs.

Without these safeguards, I see no hope for Indian women and for those of us who have their cause at heart except in a prolonged campaign of agitation—extensive, intensive, expensive—calling the attention of the world to their wrongs. Such an agitation would not help the good repute either of British or of Indian administration.

13,550. Do you wish at this stage to add anything to your Supplementary Memorandum?—Yes, my Lord Chairman. As my Memorandum is very detailed, and in some parts technical, I should much like, if the Committee would permit me, to sum up in a very few words what seem to me to be the main considerations. I will not delay the Committee more than three or four minutes. May I do that?

13,551. If you please?—First, the proposals of the White Paper do not only

disappoint the hopes of Indian women and disappoint reasonable expectations founded on repeated declarations by the Government and the bodies it has appointed to deal with the constitutional issue, and those bodies have again and again acknowledged the inadequacy of the present ratio of voting strength allotted to women—yet in fact the present proposals would not improve that ratio admittedly for the Federal Assembly, and if the fears expressed by many of the most experienced administrators are verified, owing to the application condition and the change in the educational qualification, the ratio of voting strength for the Provincial Legislature might be little or no better than at present. Secondly, although the whittling down of the voting ratio has admittedly been made in response to administrative difficulties which pertain wholly or mainly to the first election, there is no provision and no security for the increase of the ratio in subsequent elections. Thirdly, I would ask the Committee to consider whether in giving so much consideration to these administrative difficulties they have equally considered the much more permanent and serious administrative difficulties that might arise from disappointed and embittered women who had reason to think that Parliament had let them down and that they had no adequate constitutional means of remedying the grievances from which they suffer. Did the suffrage agitation in this country lead to no administrative difficulties in those pre-war years when you could not approach the House of Commons except through a cordon of police because of the fear of a suffragette outbreak, and when the Home Office was struggling to break hunger strikes of hundreds of women through the "Cat and Mouse Act"? I speak as an old suffragist who never took part in those kinds of tactics, but I know that even we constitutional suffragists went through years of effort and became so obsessed with this question of the franchise that we could think of no other, and although we now feel it was well worth it, yet we feel that we should not have to go through that struggle again. Do you want the same kind of thing to happen in India and is there no danger of that? Have not the Indian women played a considerable part in the Congress agitation? Through these proposals you hope to take away all reasonable excuse for that agitation

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by giving ample scope to Indian men to work in constitutional ways for the reforms that they desire. Is it wise to leave Indian women without equally ample means, and do the White Paper proposals give them some means of constitutional work? I would also ask the Committee to remember that this is not only a question of civic rights; that Indian women suffer under grave social evils which affect their health, their education, their personal liberties, their very lives. I have summarised those in the latter half of my main Memorandum mainly in quotations from official documents. Do you want Indian women to feel there, too, that with regard to that type of reform they have no adequate constitutional means to secure their wishes and that they should be driven back on mass meetings and processions and perhaps fastings and mock funerals? The British in India have not succeeded in doing much to remedy those social conditions. Are we satisfied that Indian administrators will be able to do much better in view of all the religious and social difficulties unless they have the constant co-operation inside the administration and inside the Constitution of their own countrywomen? Lastly, if the proposal of the Secretary of State before the Committee is carried out, that future extensions of the franchise shall be left entirely to Indian Legislatures after a specified period during which no change can be made, this is absolutely the last opportunity that the British Parliament will ever have of influencing the future of Indian women. If we have not succeeded in doing much to improve their conditions, is it not a very grave responsibility to hand the task over to their new rulers without at least putting in the hands of the women the means of self-protection? That is all I want to say, my Lord Chairman.

Sir Austen Chamberlain.] I would prefer, my Lord, if you would allow me not to begin the examination of Miss Rathbone. I may not require to put any questions, but, at any rate, I would prefer to postpone any that I may have for the moment.

Mr. Butler

13,552. You are aware of the passage on page 94 of the White Paper which draws attention to the practical difficulties to do with the registration of certain qualifications. Are you aware that there is this phrase also, "His Majesty's Government are very anxious to secure

that the proportion of women electors should be adequate and further consideration of the above arrangements may be necessary". You are aware that that has been purposely included in the White Paper in order to show the sympathy with which the Government regard the aspirations of the women of India?—Yes; I did not forget that passage and it is upon that that I base my hopes that this Committee will make substantial improvements in the Proposals.

13,553. I only mention it because from some of the evidence which has been given so ably by yourself and others on behalf of the women of India there does not appear to have been a full realisation of the anxieties of His Majesty's Government on this score?—I do not think we have ignored or doubted that anxiety. Our fear is that it may be overborne by considerations which do not appear to us to be as potent as the needs we put forward.

Mr. Butler.] Might I reserve any detailed questions until later?

Chairman.] Please.

Mr. Cocks.

13,554. Miss Rathbone, I do not want to take you over the case for the extension of the suffrage to women which was so fully thrashed out in Sub-Committee C, but I take it you would agree that the awakening of women in India and the representation of women in the future Constitution of India is almost the most important thing that can be done and that it is one of the ways by which the communal differences in future might be solved. A good many Members, I think I can say, are in sympathy with that, but have been impressed by some of the administrative difficulties. Although you deal with that in your supplementary memorandum I would like to ask you this: Do you think on the whole that the administrative difficulties have been exaggerated?—Yes. I do think the administrative difficulties have been exaggerated in the sense that I do not feel that any case has been shown why they should not be got over in the various ways indicated in my two memoranda. Were you alluding to the communal difficulties? I think you mentioned communal difficulties?

13,555. Yes?—I have not touched on the communal question in my memoranda because I rather understood that that was regarded as a *chose jugée*. I am aware that the Indian women themselves have a very strong objection to the communal electorates, and I think that the

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fact that the women's organisations have been so successful, as they unquestionably have, in working together on non-communal lines should make them a very valuable factor in the future in overcoming communal difficulties.

13,556. What I was referring to was the evidence given by some of the Indian witnesses to Sub-Committee C, in which they said that on the whole the women, especially the younger generation of women, were not affected by communal differences at all, and did not believe in them?—I think that is unquestionably so about the organised women. I do not suppose it would be claimed to be true of all women. Naturally, those within their communities may share the feelings of their communities—I mean those who do not work through outside organisations.

13,557. Your view, Miss Rathbone, is this, is it not, that whatever the administrative difficulties may be, they should be overcome in view of the extreme importance of giving a large extension of the suffrage to Indian women?—Yes; and I think the Government itself, or the White Paper itself, practically admits the case and admits that these administrative difficulties are only temporary. The question is why, if they are only temporary, they are to be allowed to affect the whole future of Indian women with no security even for the removal of the restrictions in future.

13,558. Just a couple of questions on the question of figures. Regarding the franchise in the Provinces, the Franchise Committee recommended certain proposals which would mean that about 6,600,000 women should have the franchise?—Yes.

13,559. Under the White Paper, it has been suggested by witnesses that that would be reduced to 3,000,000—less than half. Do you agree with that?—It is quite impossible to say because it is impossible to say what the effect of the condition of application will be, and the raising of the educational qualifications, but if the forecast that only one woman in three of those who get the wife's vote will actually apply for that vote is carried out—and I find that many administrators consider that quite an optimistic forecast—then the White Paper calculates that they are giving women one-seventh of the voting strength. If only one-third of the largest body of women within that number exercise it, it is clear it pulls it down to something like one in 20, the present proportion. Then the

change in the education qualifications: The Lothian Proposals proposed to bulk out the representatives of women by giving them a lower educational qualification, mere literacy. By sweeping that away and giving them the same qualification as men, and that a very high qualification, instead of improving the ratio of women's voting strength, it is admitted by the Lothian Report that the result would be actually to make the ratio less because the proportion of educated women is much smaller than the proportion of educated men. It is only upon considerations like that that one can base any estimate of what the ultimate effect will be.

Mr. M. R. Jayaker.

13,560. Do you mean it will go below one in 20?—It seems to me it may very well go below one in 20. I do not see how anyone can be certain until you know the effect of those two changes, the change from literacy to a much higher qualification and the application condition.

Mr. Cocks.

13,561. From what you have just said, you think the fair suggestion of what the proportion will be is one in 20?—I think it is the fair suggestion that the proportion may very well be no better than one in 20, and it may be less, and it is admitted in the White Paper itself that it will be no more than one in 20, for the Federal Assembly.

13,562. The Prime Minister has stated that a proportion of one in 20 would be quite unsatisfactory?—Yes. That is why these Proposals are a bitter disappointment.

13,563. The Franchise Committee recommended a proposal which would give the votes to 1,500,000 for the Federal Assembly. Under the White Paper it has been suggested by witnesses that there will be only some 300,000 given the franchise for the Federal Assembly. Do you agree with that?—I forget for the moment the exact figures but the Lothian Committee counted on bulking out the women's vote through the addition to the Federal roll of the women who are qualified under the literacy test. I have always had doubts myself whether that would have given women an adequate proportion, whether it would have raised women to the proportion of one woman to four and a-half men, as estimated by the Lothian Report but now the White Paper by sweeping away the literacy test has swept away the only Proposal which

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even pretends to improve the women's voting ratio. They are thrown back on nothing but their own property qualification plus this very high educational test which, by general admission, I think, tends to lower the women's proportion rather than to raise it.

13,564. You think from that that a figure of 300,000 is a very reasonable estimate of the women's votes?—I forget for the moment the absolute figure, so I would rather stick to the ratio. I think that less than one woman to twenty men is a very reasonable estimate.

13,565. Do you know how many adult women there are in India? Would it be about 63,000,000 adult women?—It is more than that.

Marquess of Lothian

13,566. There are 63,000,000 adult women in India?—Is that it?

Mr. Cocks.

13,567. My suggestion to you is that under the White Paper Proposals only 300,000 will have a vote for the Federal Assembly out of the 63,000,000. Would you think that that was a fair suggestion?—As I said, I have been thinking in ratios rather than numbers. Therefore, I cannot for the moment estimate the number, but I see no reason to suppose that the White Paper's own estimate there is wrong. The White Paper itself admits that it is not improving the voting ratio.

Mr. N. M. Joshi.

13,568. May I ask one or two questions. In your supplementary memorandum, Miss Rathbone, you are stating that there is no provision for future development in the matter of women's franchise. May I ask you whether you would approve of a proposal that 10 years after the passing of the new Government of India Act or Constitution Act the number of voters, both men and women, should be automatically increased to a certain proportion?—Yes. I should like to see provision made for an automatic increase to a certain proportion. Alternatively, I should like to see the Simon Proposals carried out, that there should be a fresh Commission to go into the matter, but I see no reason why there should not be provision for an automatic increase.

13,569. In any case, you would like some provision for future development?—

13,570. I want to ask you one more question, Miss Rathbone, and that is about adult suffrage in urban areas. You state in your Supplementary Memorandum, No. 84, Paragraph 79, certain disadvantages of the proposal to give adult suffrage to women in urban areas?—Yes.

13,571. One of the disadvantages you mention is "that it would concentrate over three-fifths of the women's vote in less than 10 per cent. of the Constituencies, that the rural women, who would thus be left with almost negligible means of influencing the representatives of their constituencies, are already the most neglected in matters of education and hygiene." Why do you consider those to be a disadvantage to women when the adult suffrage proposed will be in addition to the proposals already made in the White Paper?—I do not think they would be a disadvantage if they are in addition to the Proposals made in the White Paper and I propose in the very following paragraph of my supplementary memorandum, if I might refer you to it, "It might be possible to reconcile these conflicting considerations and secure a system combining substantial numbers with administrative simplicity, if the Committee can see its way to combining (a) adult franchise on application in all urban areas, or in large towns only, with (b) the White Paper Proposals as they stand for women's franchise in other areas." I think that would make a vote that would be both substantial and administratively very simple. It meets nearly all the difficulties that the Government have put up—the administrative difficulties which they have put up—and it grants the wish of a large body of Indian women for adult franchise in urban areas. What I point out the disadvantage of, is adult franchise in urban areas if it were put as a substitute for the wife's vote.

13,572. I do not think anybody proposed that?—I think the suggestion was put forward rather that it might be as a substitute for the wife's vote and that is what I suggest would not be fair for the rural women.

13,573. You mean substitute the wife's vote, not all the other proposals?—I understood the proposal to give adult franchise in the urban areas had been put forward as a substitute for giving the wife's vote all over India, and it is with regard to that idea that I suggest it would have the grave disadvantage that it would leave the rural women



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almost unrepresented because all that would be left to the rural women would be the votes of those who vote on their own property qualification and the votes of those who vote on this proposed very high educational qualification, therefore, the rural women would be left with very little votes at all.

13,574. In any case, you do not consider that the adult suffrage for women would be any disadvantage if this proposal is in addition to the proposals in the White Paper?—No, I wanted to emphasise that fact because I have noticed repeatedly throughout the evidence of several people that the suggestion has been made that if you give an additional advantage to the towns, that is a disadvantage to the rural districts. I want to suggest that if the advantage given to the towns is on top of what is given to the rural districts, it does not hurt the rural districts at all because you do not upset the balance between town and country merely by increasing the number of voters in each town constituency. The balance between town and country depends on the number of elected representatives, not upon the number of voters.

13,575. May I ask why you make your proposal in the fourth sub-paragraph of paragraph 79, namely, adult franchise on application in all urban areas. How do you bring in the question of application?—There again I was simply trying to meet the case of the White Paper. The White Paper demands application because it will get rid of administrative difficulties. I say: "Very well then; we object to application." We do not think it is as necessary as you say it is (and I have given reasons for thinking so), but if you insist on application, then all I say is at least give us back the numbers in another way, and I have suggested various ways of doing that. This fourth paragraph of my main paragraph 79 suggests one of the ways in which you might accept application and get the numbers back which application has taken away.

13,576. Am I right in believing that you yourself do not feel that there will be administrative difficulties in urban areas if adult suffrage is given to women?—No, I think the application difficulty is at its minimum in the urban areas, but it has been suggested that the numbers would be too great if you had adult suffrage without application.

13,577. From your study of the problem, do you think administrative

difficulties will be very large?—They will certainly be very much less than in the rural areas, and I think it is admitted that application is not necessary in the rural areas. When I put "on application in the urban areas" there, it was merely to meet the desire of the Government or to meet the objection that giving adult suffrage in the urban areas would result in a very large vote. One of the ways to cut it down is to make it on application, so I suggested we might be willing to accept application coupled with adult suffrage in the urban areas and coupled with the White Paper proposals in the non-urban areas. May I supplement my remarks on that by saying that I myself prefer the proposal set forth in paragraph 73 of my main memorandum which I think is a more satisfactory way in some respects of conceding application and yet getting back large numbers, and that is that if the Government must have application, then let them give the wife's vote to the wives of all provincial voters. There again, you would get a much larger number of potential voters than under the White Paper proposals, but, coupled with the condition of application, you would reduce them to a number which I hope the Committee might consider manageable. These two proposals in paragraph 73 of my main memorandum and in paragraph 79 of my supplementary memorandum, are two alternative proposals which I do hope the Committee would consider very seriously, because I do think that they do provide a really practical way of conceding everything that the administrators have pleaded and would help in meeting the administrative difficulties and yet getting a substantial women's vote.

Mr. Butler.

13,578. May I ask what number would be involved in the suggestion under paragraph 73 of your supplementary memorandum "the wives of all propertied voters should be registered on application." Can you give me the approximate number?—I made certain inquiries and I was given to understand that the number of potential wife voters might be something like 14,000,000, but, if you take the assumption that only one in three exercises the right to apply, then you cut that down to 4½ million, which is the same as the estimated number of wife voters in the Lothian report proposals.



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13,579. Our calculations come out at a figure larger than 14,000,000; somewhere in the nature of 20,000,000, but it is very difficult to calculate accurately. This would add a very large number of women to the rolls?—Yes, but would that be an insuperable obstacle if you couple it with the condition of application? In view of all the evidence which was elicited from Sir John Kerr, Sir Malcolm Hailey and others, as to the impracticability of polling a large vote, I hope that some increase in the women's vote might not be impossible. Large numbers on polling day seem to be generally considered by the experienced administrators as a less serious difficulty than the difficulty of preparing the roll; therefore if you get rid of the difficulty of preparing the roll by conceding the principle of application, you could afford, so to speak, to have larger numbers than were originally contemplated.

13,580. I think experience has shown that there are distinct limits to the number of people who can be polled at a polling station on the day of the election itself?—Is it necessary to assume that there is only one day for the election?

13,581. Even on several days I think it has been brought out in the evidence that there is considerable difficulty?—It has been brought out in the evidence in distinct detail that it was possible to poll 25,000,000 electors in one day. It was also brought out in the evidence that it would be necessary to hold communal elections on separate days, so if you spread the general elections over two or three days, you would obviously get to a much smaller number of electors than 25,000,000. The whole of the electorate contemplated under the present proposals is 35,000,000. Quite obviously you are not going to get a vote of more than 75 per cent. of the registered electorate. At least, nobody is suggesting that. Therefore, if you take 60 or 70 per cent., whatever you think is the likely number of the registered electorate who will be likely to vote, and split that up into the number of days of polling, is that difficulty going to be really insuperable?

13,582. I only wanted to elicit the numbers Miss Rathbone contemplated under this paragraph, and I have ascertained that the numbers are from 14,000,000 to 20,000,000, and it seemed to me to be a very heavy burden to add to the electorate, but I am very glad to

have heard her views on the subject?—14,000,000 to 20,000,000, but only assuming that they all apply.

Mr. N. M. Joshi.

13,583. May I ask why in paragraph 73 you are restricting your proposal to the wives of all propertied voters and not to the wives of all voters?—Simply because I have tried to be as realistic, and I am afraid, opportunist as possible in these proposals. I am not thinking of ideal proposals. I took it as practically certain that this Committee would not agree to complete adult franchise. If they will not agree to complete adult franchise for men, it seemed to me still less likely that they would agree to complete adult franchise for women, therefore, I was not looking for a proposal which seemed to me ideal, but for a proposal which it seemed to me could be justifiably put before this Committee on the ground that it came within the scope of the kind of thing that they were prepared to consider, that it did meet the administrative difficulties that they laid so much stress on, and did not make the numbers so enormous as to be quite unmanageable.

13,584. May I ask what did you mean by the propertied voter in paragraph 73?—Simply this. you will remember the White Paper proposal at present is that the vote should be given to the wives of all men who are qualified for the Federal Assembly.

13,585. Yes?—That is to say, the wives who are to vote for the Provincial Assembly are to be the wives of Federal Assembly voters. I say that that, coupled with the condition of application, gives far too few. Therefore, I say, extend the vote to the wives of all provincial voters.

13,586. You have not said that. You have said: "All propertied voters"?—I mean by "all propertied voters" those provincial voters who vote on a property qualification. Obviously, you could also extend the vote, and I have also suggested that, in another paragraph, to wives of men who vote on an educational qualification.

13,587. May I put my difficulty to you? A propertied vote may mean several things. Take, for instance, the qualification as a voter given to a man who occupies certain premises as a house?—Yes.

13,588. He may possess the house as the owner, or he may have hired the

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house on rent. Do you consider a person who occupies a room or rooms for rent as having propertied qualifications, or as a propertied voter?—When I use the term “propertied voter,” I was thinking strictly in the terms of the White Paper, Appendix IV, which lays down the conditions on which people are to vote for the provincial Assemblies.

13,589. But the vote is given to the man who possesses the house as well as to the man who rents the house?—Yes, but then is it not a property qualification. Surely one is using the word “property” qualification to mean all people who vote in respect of any kind of property, that is to say, all the men voters except the educational voters.

13,590. May I ask you if you are only excluding people who get qualification as voters by their education?—Yes; I only did not include them in that particular paragraph because I thought that would make the numbers still bigger.

13,591. Will it be very much bigger, considering the total number of voters?—We have just heard Mr. Butler say he thinks the numbers are too big, even if you take in all wives of propertied voters.

13,592. Would it be so large that the educational qualification voters must be kept out?—I should be very glad to get them in. If the Committee will consider extending the franchise to all wives of provincial voters, whether by property qualification or educational qualification, so much the better. I was only asking for what I thought I had the best chance of getting.

13,593. I was asking whether your proposal to restrict it to the propertied voters was only to restrict the number, and would you think the propertied voters are more qualified than the educational voters?—No; on the contrary I should very much like to see the wives of the educational voters included, because I think they would be a very useful class of voter, because a wife of an educational voter, if she has not got an educational qualification herself, is likely to belong to the same class as her husband, and to have some measure of culture. Therefore, I think she would make a very good voter.

13,594. Therefore, from your point of view, the wife of an educated man is a little better than the wife of a propertied man?—Yes, I agree, but there are not so many of them, and, therefore, if I had to choose between the wives of the

propertied men and the wives of the educated men, I would choose the wives of the propertied men, simply because I would prefer 4,000,000 or 5,000,000 women voters to a few hundred thousand.

Mr. M. R. Jayaker.

13,595. Miss Rathbone, you gave evidence on the 27th June last?—Yes.

13,596. Since then Indian women representatives have visited this country?—Yes.

13,597. I suppose you have had talks with them in connection with this matter?—Yes, frequently.

13,598. Then may I ask you whether as a result of your conversations with those ladies you have in any way changed, altered or modified the views which you expressed before this Committee on that date?—No, I do not think I have. My talks with the Indian women who gave evidence before the Committee only confirmed my impression that they were very deeply concerned and earnest about getting an adequate women's vote. I recognised—and I have dealt with the matter in my Supplementary Memorandum—that they would, if they had to choose between them, prefer adult franchise in the urban areas to the wife's vote. I have set forward what seem to me both the advantages and disadvantages of their proposal. I have also, as has already been drawn out in previous questions, suggested a way of making the best of both worlds.

13,599. Then can we say that the views which you now put before the Committee in your Supplementary Memorandum are also the result of your conversations with these ladies?—I do not quite know how you mean the result of my conversations. They have been drawn up.

13,600. Can we take it that the views which you have put forward in your Supplementary Memorandum have the approval of the Indian Women's representatives?—No, because this was drawn up after they had returned to India, and I have not had an opportunity of consulting them. As regards a very large part of this Memorandum, I have every reason for supposing that they would agree with what I say. I think the Committee knows that they are most warmly anxious for the literacy test instead of the higher educational test. I am sure they would agree with all I say upon that subject.

13,601. The reason of my asking you is this, that many of the points you have submitted to the Committee in your

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Supplementary Memorandum are also the points which are placed before the Committee by another Memorandum which has come from India on behalf of the women. That is the reason why I ask you whether you have reason to believe that the views you have put forward in your Supplementary Memorandum are the views of the Indian women representatives?—Yes. Speaking generally, I cannot suggest that there is anything in that Supplementary Memorandum with which I do not think and with which I have no reason to think the Indian women would agree, with the one exception of my discussion of the advantages and disadvantages of the urban adult franchise, and that I have summed up in their statement of the advantages, but I have also put my own statement of the disadvantages of that particular proposal.

13,602. You say you travelled in India for some time; you stated that in your evidence before the Committee?—Yes.

13,603. You have read the evidence which was given by the Indian Women's representatives both in the Sub-Committee and in the statement made before the full Committee in London?—Yes.

13,604. Are you in a position to say that the views stated by the Indian representatives, speaking generally, are the views of educated Indian women so far as you could ascertain them during your travels in India?—Broadly speaking, I should say yes. I did not come into contact with any women during the short time I was in India who did not strongly desire an adequate women's vote and who would not have regarded these White Paper proposals as wholly inadequate.

13,605. May I just read to you one or two matters and ask you whether you agree with that view? This has been stated before the Committee: I am not at liberty to mention the name to you because it is supposed to be confidential, but it has been stated before this Committee that "by not accepting literary as an educational qualification an intelligent and most useful electorate of women has been left out. Most of the prominent women workers of to-day do not possess educational certificates of any kind, whether primary or matriculation, as, until very recently, women were educated in their own homes and parents would not allow their daughters to attend any schools". Do you share that view?—Unquestionably.

13,606. Then do you also share the view that if the condition of registration were strictly insisted upon the least you could say would be that one in three or one in four would apply?—That is about my own estimate. I do not think any of us can be dogmatic upon the subject. I do not see how anyone can possibly tell.

13,607. I am asking you, because the Secretary of State in dealing with this question himself was not sure as to how low it would go. Do you share the view that it may go even below one in four?—I think it is extremely probable, especially in some of the Provinces.

13,608. That is a great reason, is it not, for saying that there would be a very few women who would be entitled to apply?—Just so.

13,609. May I just ask you one more question. Have you got a copy of the White Paper with you?—Yes.

13,610. Will you kindly turn to page 93 of the edition which has been supplied to this Committee. You will find there several headings. I am asking your attention to the fifth heading, under (c). It is a list of Provincial Legislative Assemblies?—Yes.

13,611. You will find there as against the Punjab 32 Sikh Members. That is the fifth on the left hand list at page 93?—Yes. I have got that—32 opposite the Punjab.

13,612. Thirty-two under the heading "Sikh"?—Yes.

13,613. Including one woman?—Yes.

13,614. Do you know what that means? That this Communal principle has been applied to the Sikh community. Are you aware of any Sikh representative institution asking for Communal representation for their women?—No.

13,615. Similarly, if you go on further, you will find under the heading "Indian Christian," as against Madras 9 Indian Christian Members including one woman. You see there that this Communal virus has been extended to the Indian Christians by giving one woman a seat on the Communal principle?—Yes.

13,616. Are you aware of any Indian Christian Association making such a claim?—No, I am not, but I ought to say that I have not given very special attention to the whole question of Communal representation, because, as I said before, I gathered that the Government had said its last word on that matter.

13,617. Not as regards women. The Government have said their last word in the matter as regards males in Muslim, Sikh and other communities. I am not

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aware of the Government having said anything as regards the Communal principle being extended to women's seats?—I gathered that the women were included in the Prime Minister's Award. When the Communal Award first came out, I think the women were there included.

13,618. Are you aware, so far as your knowledge goes, of any Indian Christian, or any Sikh Association, claiming that the women's seats should be held on the Communal principle?—No, I am not aware of any.

Dr. Shafa'at Ahmed Khan.

13,619. May I just put one question? If women had been left out of the Communal Award and seats had been fixed later on after publication of the Communal Award, would it not have disturbed the Communal proportion in the various Provinces?—Yes, I suppose it would. If the women were to be elected on Communal lines I suppose it would disturb the Communal balance, but so far as I know nothing has yet been said, and the Government is not in any way committed to how the reserved seats for women are to be filled, and in that case is there anything to debar this Committee, if it thinks fit, from deciding that the women's seats shall be filled on a non-Communal basis in the sense that they might be filled by a joint electorate?

Mr. M. R. Jayaker.

13,620. You would personally favour such a proposal?—May I make my point? I had disregarded the question of whether the women to fill the reserved seats should be Communal women because I understood that that was *chose jugée*. It is clear that if you take the women out of the Communal Award you would upset the balance of strength of the different communities; but what I suggest is not *chose jugée* is the question of how those reserved seats for women should be filled, and I have not been able to find anything either in the Communal Award or in the White Paper before this Committee that the women's seats should be filled through a joint electorate.

13,621. Personally you would favour such a proposal?—Yes, I think I would. The women themselves passionately desire to be kept out of the Communal conflict, and I look upon it in this way, that in a sense you may have less Communalism when it is already decided that a woman has to be a Hindu or that she has to be a Muslim as the case may be. If that is decided, that is done with; she has got to be a Hindu or a Muslim. But

when it comes to the election, then if you have several Hindus put up to fill that seat and you have a joint electorate, then there would be every chance, I think, that that joint electorate would be influenced by other than Communal considerations in deciding among two or three Hindu candidates, and therefore without disturbing the spirit of the Statutory Communal Award you might get the spirit of non-communalism which is so much desired by women, because the electors might vote in a non-Communal spirit for the best woman. May I make a further suggestion that that might be still more so if you had the women's reserved seats filled by a joint electorate of women only, because these reserved seats are given in order that women may be compensated for their inadequate chance of getting in by ordinary election to some extent. Therefore they are definitely intended to be real representatives. Why, then, should they not be filled through a non-Communal electorate either of men or women, or, I should say preferably, of women only?

13,622. May I ask you a last question with reference to the question which was put to you by Dr. Shafa'at Ahmed Khan? Communal electorates for men have been justified on the basis that questions may come up before the Legislature in which the interests of one community may be opposed to the interests of another. I am asking you from your Parliamentary experience here and also from what you know about India and its Legislatures, can you conceive of any question coming up before the Legislatures in India, Provincial or Central, in which you could say the interests of Muslim women were antagonistic to the interests of Hindu women, and vice versa?—No, I do not think I can *qua* women. I mean if they were thought of as Muslims and Hindus, then they might be just as much opposed as the interests of Muslim women and Hindu women, but if you are thinking of specifically the women's interests then I cannot see that there could be any clash.

13,623. You say you want a large number of Indian women to get into the electorate because they will be progressive, will support social reform and obtain redress for their many grievances?—Yes.

13,624. Talking these to be the main women's questions upon which the women's vote will be material, and restricting your attention to such questions only on which they could vote, can you conceive any instances in which their

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interests will be hostile—Hindu women as against Muslim women?—I should need some time to think that out in all its implications and all its detail, but speaking generally, no, I cannot think of any case in which their interests would be opposed.

13,625. Supposing, for instance, a Bill was before the Legislature supporting the rights of Hindu women to inheritance or making education compulsory amongst women up to a certain age—taking questions of this character, can you conceive of any question on which it would be possible to say, “No, the Mohammedan women’s interests will be one way, Hindu women’s will be another, and Sikh women’s will be a third”? Is it possible to imagine such a conflict of interests?—I do not know of any case in which it would occur. There is a point I should very much like to make upon that, because it was argued by some of the delegates that they did not want a large women’s vote because Muslim women were less encouraged to come out into the open than Hindu women, and therefore Muslim women might be out-voted by Hindu women. I want to point out that that is a quite inapplicable argument as long as you have a separate electorate, because if a larger proportion of Hindu women vote than Muslim women it cannot possibly injure the Muslim women.

Sir Hari Singh Gour.

13,626. Miss Rathbone, continuing the last question that was put to you, you are a Member of Parliament. As a Member of Parliament do you only vote on women’s questions or do you take part in the general debates and vote upon all questions?—Of course, I take part in the general debates and vote upon all questions.

13,627. Consequently, when women go into the Indian Legislatures, Provincial or Central, they will not merely vote on women’s questions, but they will vote, like ordinary Members of Parliament, on all questions?—Yes.

13,628. Therefore the question whether they go into the Legislature as men or women is immaterial, because they become Members and are duly qualified to take part in all questions and to vote upon all questions?—I do not think I could quite subscribe to that, the question of whether they are men or women is not immaterial, because although women take part in all questions and not only in women’s questions, they are also specialists on women’s questions.

13,629. Therefore, of course, that is a special point in favour of the Legislatures having a proportion of women in them?—Yes.

13,630. Take, now, the Central Legislature. In the Central Legislature, are you aware that no provision has been made for the representation of women in the Council of State?—Yes; I regret it very much.

13,631. I wish to point out to you that under the proposals of the White Paper the power and authority of the two Houses of the Central Legislature will be more or less equal. If, therefore, there is a representation of women in the Federal Assembly and no representation in the other House, in the Council of State, do you not think that the women’s cause will seriously suffer and do you not think that it is an anomaly that they should be represented in one House and not represented in the other House, each House possessing almost equal jurisdiction?—Yes, I do think so, and I think it might lead to a serious lag in reforms concerning women, if for example reforms of marriage or inheritance or factory laws were passed through the Assembly and thrown out by the Council of State.

13,632. The present Constitution and the future Constitution provide that all legislation must be passed by both Houses?—Yes.

13,633. Just as you have it here in the British Parliament, if a Bill is passed by one House and rejected by the other it cannot become law at all. You have a very small representation of women in the Federal Assembly—only nine—and you have no representation in the Council of State?—That is so.

13,634. Now supposing by some chance a Bill is passed affecting the rights and status of women in the Lower House, who is there to speak for women in the Council of State?—I agree, and I have dealt with that fully in paragraph 6 of my main Memorandum. I have pointed out that the number of things on which there is concurrent legislation included a number of questions in which women are most vitally concerned, namely, marriage, divorce, custody and guardianship of infants, adoption, relations between husband and wife, laws relating to Wills, intestacies and succession, factory regulations, labour welfare and certain educational institutions. For all those matters there is to be concurrent legislation and on all those I have pointed out that there is a grave probability that

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there will be a preference for dealing with them provincially rather than centrally because of the greater convenience of having All-India legislation in those kinds of subjects. Therefore if you only have women represented in the Lower House there is a grave danger that proposals which are most earnestly desired in the Provinces and which are assented to in the Lower House may be thrown out by the Council of State because the women have no representation there.

Mr. R. A. Butler.

13,635. May I remind Miss Rathbone that on page 11 of the Introduction to the White Paper it is possible for the Governor-General to make certain nominations to the Council of State, and as far as I remember, the Secretary of State when he gave his evidence said he saw no objection to a Governor-General making a nomination of a woman or more than one woman to the Council of State?—Then would it not be better to make it that he shall not only require it but shall do so? At present there is nothing to prevent women being nominated to the Assembly, but not a single woman has ever been nominated to the Assembly.

Sir Hari Singh Gour.

13,636. Further, may I ask you this question in connection with the question of nomination. Do you think that the women of India would prefer to go into one House by election and into the other House by nomination?—I should think they would prefer to go into both Houses by election, but at present I understand it is not contemplated that the Council of State shall be elected, except by the Provincial Legislatures.

13,637. It is to be elective?—I think it is rather an open question as to which would be more satisfactory, if there are to be women, whether those women should be nominated or whether they should be elected by Provincial Assemblies on which there is only a tiny minority of women members.

13,638. But if the reservation of seats is made in favour of women for the Council of State, then women will be elected, whether there is a tiny minority of women in the Council or not, because the only qualified candidate for the Council of State under the Constitution would be a woman in particular constituencies. You might, for example, combine Bengal, Bihar and Bhutan, and

three Members will return one woman to the Council of State. The point I am making is that, apart from the detail, the women of India, so far as you are aware, would prefer to go into the Council of State, indeed into all Assemblies, by election and not by nomination?—Yes, I think they have expressed that wish, but I do not know exactly what their view would be if their choice was going in by nomination or going in by election of the Provincial Legislatures. They have not favoured the principle of election by Provincial Legislatures in the case of the reserved seats in the Assembly, I would remind the Committee. They want those reserved seats in the Central Assembly filled by some form of election rather than by Provincial Legislatures. Therefore, they are not particularly favourable to the choice of the Provincial Legislatures. As we are now talking of the Council of State, and if it is agreed that the Council of State is not to have any form of direct election, then I cannot say whether the women of India would prefer nomination or would prefer election by the Provincial Legislatures. In my mind, I think there is something to be said for nomination as against election by Provincial Assemblies because you might have less chance of getting the communal element entering in there. It is possible that the Governor might be more concerned to pick the best women, but I do not feel strongly on the point, and I think it extremely probable that the Indian women's organizations would prefer election, even if it had to be election by the Provincial Assemblies; but the great thing is to get the women into the Council of State at all. I think that is essential and it ought not to be left to the whim of the Governors-General because we have not found them so favourable in the past to the claims of women as to feel that the matter can be entrusted to them with the complete security that it will be looked after.

13,639. The two points made by the women's organizations as voiced by their representatives here—and on those points, of course, the women were divided—were, first that the wife should not get a vote *qua* wife, and the second was that the women should not be called upon to make an application. As a man is not called upon to make an application to become a qualified voter, a woman should not be placed under the difficulty of having to put in an application before she became qualified to vote.



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These are the main points which were insisted upon. Now what is your view, Miss Rathbone, on these two points upon which the women's representatives have given evidence before this Committee?—I do not share the objection of those large organizations of women to the wife's vote. We have discussed the matter frequently and we have to agree to differ. I think I may claim that at least British women can speak from experience. When the wife's vote was first suggested in this country we had very much the same objections put up against it by the more advanced and progressive women as we have in India. They said they would much rather vote in their own right than on their husband's qualification, but that objection gave way when they found that it was the only way in which they could get a reasonably large women's vote, and I think we found in practice, during the ten years when that was the principal qualification, that it did work satisfactory and that it did to a certain extent improve the status of women in the home by showing us that the State regarded the wife as the co-partner of her husband and not merely as an economic dependent. For that reason, I do not share that particular objection.

13,640. Their point of view is that if they are entitled to vote at all it must be upon their own independent right and not because they are the chattels of their husbands. The next point that they have made is about the differential educational qualifications. You know the White Paper proposes the same educational qualifications in respect of the two sexes?—Yes.

13,641. What the women say—and some of us are of that opinion—is that as the education of women in India has been kept back for a number of decades, there should be a differential educational qualification to let in a larger number of women to vote and that that would mitigate the difficulty which the Government feel as regards the women's qualifications for voting. What is your view on the subject, Miss Rathbone; do you advocate differential educational qualification?—Yes, I advocate it very strongly for the reasons given in paragraph 7 of my main Memorandum and again in paragraph 11, and it is also dealt with further in my Supplementary Memorandum. To put it very shortly, I think the defence of the differential educational qualification is simply this: Those

same governments that have put up objections to the differential qualification on theoretical grounds are the Governments that have never given equal opportunities to women for education. Their objection to differential legislation has not prevented them from spending only one-seventh of the money on the girls and six-sevenths on the boys. Therefore, I think that there is a perfect justification for a differential qualification to make up for the unfair opportunities which women have enjoyed. The other practical reason is that it is one of the few practical proposals that have been put forward for increasing the number of women voters even to the one in 4½ proposed by the Lothian Committee. No educational qualification which is the same for both sexes can do other than give women a still more inadequate proportion. Therefore, you must have the differential qualification if it is to be used as a means of adjusting the ratio.

13,642. As regards the test of education, would you regard the passing of the school examination or the reading and writing of an ordinary letter as you have in some of the colonies as a sufficient test?—I prefer the test of simple literacy as proposed and defended in the Lothian Committee, and I have in my supplementary memorandum suggested just how that can be carried out and tried to show that really it would be a simpler test more easy to carry out by the Government's own showing. It is in paragraph 77, sub-paragraph (ii), of my supplementary memorandum. The Lothian Committee suggested exactly how it should be carried out. I have quoted the passage, and Sir Philip Hartog before Sub-Committee C testified that many experienced administrators had told him that it was quite an easy qualification to establish. When the woman was unable to show that she was literate through the production of a school certificate, or, alternatively, through the production of a certificate that she was literate signed by a magistrate, or somebody of that sort, that then she should be obliged to submit to a simple reading and writing test, and I myself have also discussed that with a number of experienced administrators and several of them told me, and particularly one very experienced administrator who took part in the discussion of the subject on the Franchise Committee in the Punjab, that he considered that the literacy test was one of the simplest of all the voting qualifi-



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cations laid down in the appendix. He thought it a far simpler test to establish than some of the other various forms of voting qualification laid down

Sir *Abdur Rahim*.

13,643. Miss Rathbone, I wonder if you have formed any estimate as to the number of Muslim women who are likely to exercise their votes upon, say, franchise B that is suggested, the husband's property qualification supposing you had a qualification like that, how many Muslim women are likely to go to vote?—I can form no estimate. I think the Begum Shah Nawaz expressed an opinion upon that subject. Are you speaking of the application condition?

13,644. No, how many Muslim women are likely to exercise their vote and go to the polling station?—I can form no opinion, but I would like to point out that if the proportion of Muslim women that exercised their vote was small, that would not in the least injure the representation of Muslims.

13,645. I simply wanted to know if you had any estimate of that?—No, but if it did in any way incite the Muslim community to give wider opportunities and better education to their women so that they could compete better with Hindu women, would that not be a valuable effect?

13,646. I want to ask you another question which is this: Are you advised that whatever communal feeling there is in the communities between Hindus and Muhammadans, there is less communal feeling among women than among men?—I am not entitled to say that. I have not the knowledge of India that would enable me to say that. All I can say is that so far as the organised and articulate women go, it is undoubtedly so. The women who belong to the All-India Women's Conference, the National Council of Women in India, and the Women's Indian Association, all those organised women have from the very first set themselves against the communal spirit and are doing their very best to mitigate it.

13,647. You cannot speak about the general body of women?—I cannot speak about the rank and file. I have not any knowledge of it. May I supplement that to this extent? We have always found in this country that there was no greater solvent of class distinctions and religious distinctions than common work for common women's causes. The women's

suffrage movement drew together women in this country of all religious communities, of all classes, and of all sections of opinion as nothing else has ever done, and to this day, when it comes to working for a definitely women's reform affecting the welfare of children, or the marriage laws, or anything of that sort, women of all parties and all communities draw together, and we work as one woman, and that I think is one of the advantages.

Sir *Austen Chamberlain*.

13,648. A very remarkable phenomenon?—I think it is a boast that will be found true by members who study their post bags when a women's reform is before the House of Commons. I think they will find that the representations that reach them say very much the same thing, whether they come from the Conservative women or the Labour women or the Temperance women.

Sir *Abdur Rahim*.] I want to tell you that the Muhammadan women as a whole are extremely orthodox in their ways and views.

Sir *Manubhai N. Mehta*.

13,649. Only one question: Miss Rathbone, do you consider the administrative difficulties urged by Government officials to be a little exaggerated? In order to make women apply and, in order not to admit too large a number, they say that the administrative difficulties are insuperable. Do you consider them insuperable?—No, I do not think they are insuperable. Perhaps it would be an impertinence on my part to say that they are exaggerated, because they come from very experienced officials, but I think we all know that administrative officials are rather apt not to be able to see the wood for the trees. They stand under an administrative difficulty as a man stands under a hedge, and he cannot see over it, and other people stand perhaps at a little height and they perhaps see how the hedge can be dug under or flown over, or somehow transcended. It is the business of administrators to put up administrative difficulties. It is the business of Parliament to get over administrative difficulties if they think there is reason for getting over them.

13,650. Have you had experience of census enumeration?—No, but I think it is pretty obvious that the question has to be asked by this Committee. If it is so impossible to register the names of the comparatively few women who will

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[Continued.]

be enfranchised under the wives' qualifications, because you cannot find out their names, how do they carry out the task of finding out the ages and names and all the particulars of every single member of every household in England at census time?

Sir *Manubhai N. Mehta*.] That is what I was driving at. That is all I ask.

Sir *Akbar Hydar*.

13,651. Miss Rathbone, you have come into contact with a large number of Indian women who are interested in this political question about their rights, and you have found that all those whom you have talked with were quite non-communal. They resented being dragged down to the level of the Indian male who has become such a communal animal. Is not that so?—I put it rather this way. I do not think you could say that all those women were non-communal in the sense that they do not feel communal questions. A good many of the women I saw in India were actually speaking in *Purdah* parties where they were obviously observing their religious customs very strictly, or they would not be women in *Purdah*, but when it came to talking of women's questions, it was then that those same women put communal questions aside. They all wanted to work for universal primary education for women, for getting rid of child marriage, for the better training of mid-wives, for a larger proportion of women doctors, and all that kind of thing.

13,652. You mean that they did not cease to be Hindu women or Muslim women, but as soon as it came to political questions or social questions, they felt and thought and would vote as women and not as Hindus or Muslims. Is not that so?—Yes, when it came to social reforms that affected them; and I think that non-communal spirit, that working together for one cause, is a very great solvent of bitterness that arises from other causes. Did not we find it, as I said before, not only between women of different parties in this country but between women of all countries? The fact that women of all countries in the civilised world are working together for the same women's reforms, broadly speaking, has helped to break down international bitterness and to bring women of all nations together. That is one of its values.

13,653. I wanted to ask whether if any special seats for women are on a non-communal basis, both as regards the elec-

tors and the elected that would not in any way disturb the Communal Award because the Communal Award is with regard to those people, the Hindu men and the Muslim men who are communal. So far as the women are concerned, they are a category apart. Would you say that was so or not?—I do not think you could say that women were womanised, so to speak, quite as generally as that. They have their communal side to them. But I think what I meant was rather this: If women could have been dealt with and left altogether outside the Communal Award, and we were now discussing with a clean slate how the women's reserved seats were to be distributed, I should say deal with them entirely on a non-communal basis. I merely have not argued that in my memorandum because unfortunately women are in the Communal Award, and, therefore, I did not see any way of getting them out of the Communal Award, except so far as how they are elected to the reserved seats which have not been dealt with.

Sir *Hari Singh Gour*.

13,654. The Communal Award still leaves the question of joint electorates open?—Yes.

Sir *Hari Singh Gour*.] Therefore, to that extent, you advocate joint electorates?

Dr. *Shafa'at Ahmad Khan*.

13,655. If they are elected by joint electorates, it does not always follow that they would not act or vote communally?—No, I suppose not.

Sir *John Wardlaw-Milne*.] I want to ask one question on the second page of Miss Rathbone's supplementary memorandum. She speaks of the danger of leaving questions of the extension of the franchise in an indefinite way. Has she considered the possibility of it being laid down by statute that there should be an examination of the question at a fixed time by the Federal Government if the Federal constitution came into being?

Sir *Hari Singh Gour*.] My Lord, may I raise a point of order? I find from pages 367 and 368 of Volume II.A of the report of the evidence that Sir John Wardlaw-Milne had put questions to Miss Rathbone.

Sir *John Wardlaw-Milne*.] On this point?

Sir *Hari Singh Gour*.] I do not know about the point, but you had put some

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[Continued.]

questions, and I thought you had exhausted your right.

*Sir John Wardlaw-Milne.*

13,656. In any case, the question I am putting is entirely raised by the supplementary memorandum. I should have been very surprised if I had been clever enough to anticipate everything she would say. I only wanted to know whether you had considered a possibility of anything of that kind?—Do you mean the provision which I quoted from the Simon Commission on the previous page? It was quoted by Major Attlee, I think, in the evidence, but I have the full quotation.

13,657. Yes, except in a more definite form?—Yes, and the latter part of that same quotation goes on to propose that there shall be (not that there may be) a new franchise committee appointed, say, in ten years, I think the expression is, or, say, in 15 years in the Simon Report, which shall go into the question of whether the franchise has been adequately extended and, if not, to make provision for extending it, and I want to suggest to the Committee that that is a very much more satisfactory way of dealing with the matter than simply leaving it to chance that these bodies elected on a particular franchise shall themselves choose to extend the franchise to people outside the pale.

13,658. But what I am asking you, if I may press it, is whether your fears (let me put it this way), supposing you had not got or cannot get what you want in the present constitution which is set up as a result of the deliberations of this Committee, would it in any way satisfy you to have something in the Act which made it essential that the Federal Government should set up an inquiry into these matters after a number of years by the Federal Government of the future. Would that in any way satisfy you?—It would very far from satisfy me. I think that whatever the arrangements arrived at now are, as they are inevitably and certainly going to be a very restricted franchise, I want in any case to have it certain that the matter must be revised within a fixed number of years, but I would like to point out that the chance of getting an adequate franchise ten years hence is going to be no substitute at all for an adequate franchise now. It is when the constitution is first working and when, so to speak, all the new forces are flowing into new channels and forming those

new channels; those are going to be the formative and vital years, and if the women are going to lose ground during all those years, it is not only going to be the case that thousands of women will die and go uneducated and go without all these reforms that are necessary, but it is going to be far harder to catch up. The Simon Commission pointed that out.

13,659. I think we understand your point of view, but supposing all you want is not attainable now, are you satisfied that an inquiry in the future, if laid down at a definite date, should be made by the Federal Government of the future?—I think it is most important that such an inquiry should be made, but not only by the Federal Government. The Federal Government will be a Government which has been elected by and is responsible to this very restricted electorate. I cannot see that Parliament, if it is going to hand over India to Legislatures elected on a very restricted franchise, loses its own share of responsibility for the future of the unenfranchised masses.

13,660. That is exactly why I asked you?—In the words of the Simon Commission, "this is a matter as to which the British Parliament cannot remain indifferent. If they are going to hand things over to an oligarchy, it is for them to see that the oligarchy in time becomes something better than an oligarchy."

13,661. That is exactly why I asked you if you would be satisfied if it were laid down that an inquiry should be made by the Federal Government, or would you like to see it reserved as a matter which the British Government has to do?—I should like to see it reserved as a matter which the British Parliament has to do.

*Sir Austen Chamberlain.*

13,662. Does Miss Rathbone extend her answer to the franchise for men?—Yes, certainly. I met some Indian friends who looked upon a proposal like that as though it showed distrust of India, but I would like to point out that it does not show distrust of India. If we were going to hand India over to Legislators elected on adult franchise, then you might say you were giving everybody a chance, and if Indians made a mess of it, that was their own affair, but if you are going to hand over India, not to India, but to a bit of India, then you have every justification for saying that the bit of trust which is now vested in

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[Continued.]

the British Parliament must remain vested in the British Parliament until they see that the oligarchy to which they are going to hand it over is going to do its duty by the Indian masses.

Sir *Hari Singh Gour*.

13,663. Who created the trust in the British Parliament, Miss Rathbone?—The question is not who created it, but it is an existent fact.

Lord *Rankeillour*.

13,664. Miss Rathbone, I think you said in your statement to-day that there would be great disappointment, or that there was great disappointment among women in India with the present Government proposals because of certain assurances or declarations made by the Government?—Yes.

13,665. What had you in mind as to these assurances or declarations?—They will be found, or the more important of them will be found, in paragraph 1 of my main memorandum. First there was the report of the Simon Commission recommending a franchise for women that would have given them at least one woman voter to two men voters. That of course was only a recommendation, it was not a promise, but still it created an expectation. Secondly, there was the speech delivered by His Majesty the King Emperor: "I have also in mind the just claims of majorities and minorities of men and women, of town dwellers, and tillers of the soil, of landlords and tenants, of the strong and the weak," etc., etc. Then there was the Round Table Conference which definitely said that "No system of franchise can be considered as satisfactory or as likely to lead to good government where such a great disparity exists between the voting strength of the two sexes." Then there were the Prime Minister's instructions to the Lothian Franchise Committee; they "attach special importance to the question of securing a more adequate enfranchisement of women than the existing system which applies to women the same qualifications as to men, and has produced a women's electorate numbering less than one-twentieth of the total male electorate." Then the Lothian Franchise Committee's proposals and the White Paper's own statement: "His Majesty's Government fully appreciate the importance of a large women's electorate for the Federal Assembly," but does not give it. If I may quote what Sir Samuel Hoare once said to Parlia-

ment, he told the story of a man who, I think brought a case against a relative on the ground that the relative had given him a Christmas present for a great many years and that he had created an expectation on the faith of which he had committed himself to certain commitments. I suggest that if body after body and time after time Parliament and its appointed bodies report in favour of a substantial women's franchise, it creates an expectation that almost amounts to a promise, and that if you do not fulfill that expectation you do lay yourselves open to the charge that you really are keeping a promise to the ear and breaking it to the sense.

13,666. You cannot say that the Government, much less Parliament, has broken any promise?—No; I would not call it a promise. I call it a reasonable expectation and when you go on creating a reasonable expectation it almost amounts to a promise.

Mr. *Isaac Foot*.

13,667. You have been asked, Miss Rathbone, about the women of India being less patient than the men of communal differences; you understood that that was generally their attitude. Were you relying in your answer upon the very clear statements that were made at the First Round Table Conference by the Begum Shah Nawaz and Mrs. Subbarayam one a Mohammedan and the other a Hindu, who themselves stated that the women of India for whom they could speak were impatient of these communal differences. Do you remember those statements?—Yes. I do not remember exactly what those two ladies said, but it has been said again and again. I think it has been said in every single memorandum that the women's bodies have put forward.

13,668. You remember that they sat together in conference, made their joint representations and led the Round Table Conference to believe that their attitude was significant or was indicative of the politically-minded women of India whom they represented?—I think they were perfectly justified. I think it was both significant and indicative of the opinions of the women whom they represented.

Marquess of *Lothian*.

13,669. Miss Rathbone, I think almost every question has been covered, but one of the witnesses who appeared in connection with women's franchise made a

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[Continued.]

suggestion which I believe is actually the basis of the Ceylon Franchise, namely, that all voters, not only women but men, should be registered on application only?—Yes.

13,670. The argument being that it indicates that those people are put on the roll who have an active interest in public questions and would to that extent deal with administrative difficulties. What would be your opinion of that proposal?—I very much like that proposal. I must admit that I was rather convinced by the proposal of Lord Lothian's own Committee by the arguments put forward by Lord Lothian's own Committee—that it was very difficult to contemplate complete adult franchise in India at present. I do not think it is a question upon which my opinion is worth very much because it would require going very much more closely into it to see how far you could secure complete adult franchise, but obviously there are very great difficulties in jumping at once from such a very restricted franchise as at present to a complete adult franchise, but you immensely lessened those difficulties if you have application. Therefore, I think I should not only submit to application if you have an adult franchise, but I should welcome it because you not only cut down the numbers but you get the keenest people applying for it. I only dislike it for the women of India, because it is applied in such an unfair way. It is applied only to women and not to men, although the men could much more easily fulfil it and it is applied in such a way that the number of voters would be cut down; but I do not at all dislike application if you bulk out the numbers in such a way that you get back all the numbers that you lose by application.

13,671. Your objection is to its discriminatory character between men and women?—Yes. I have two objections; one is to the discriminatory character between men and women and the fact that you are applying that discrimination to a vote which is already so small that it can ill afford to be cut down by one voter.

13,672. You have made very clear your view about the tremendous importance of securing to women one vote to four and a-half men, partly as a means of redressing the grievances of women and partly to prevent women being driven into unconstitutional agitation. What I think has not been brought out quite so clearly is what is your view as to the

best method by which the special representatives of women either in the Provincial Legislature or in the Federal Legislature should be elected. Various witnesses who appeared raised objections to the method of returning women to the Federal Legislature by the Provincial Assembly on the ground that it would produce what was sometimes called tame women, if there are such people, and sometimes called men's women, as opposed to women's women. Would you explain your view as to how you think the special representatives could best be elected so as to secure that they do really represent the special interests of the women in a House which would inevitably predominantly consist of men?—To take the Federal Assembly first, I did not feel dogmatic about it at first. I felt very uncertain, but, on the whole, I agree with the views of the Indian Women's Societies that leaving the choice to the Provincial Assemblies, which have only a very small number of women upon them, will be likely to result in the choice of tame women, and I think it would be better to have some form of election. The question is what form of election. It is quite clear that there are real difficulties because if you are only going to have one or two women—I think two is the most that is suggested—for the Federal Assembly from each Province, it is very difficult to find an electorate that is not impossibly large or expensive. The suggestion I have put forward very tentatively is that it might be best to have them elected by the whole of the capital cities or by selected constituencies in the capital cities of each Province probably having some form of rotation, that you might have one constituency at one election and another constituency at the following election, always bearing in mind that the women to be elected should be able to be chosen from all over the Province. I think that gets over the difficulty of unduly large and expensive constituencies, and it is more educational for the electorate and more likely to result in the choice of women's women rather than tame women. Then comes the question who should the electors be. I have suggested that they might be a joint electorate, that you ought to be able there to get over the communal difficulty and have even the communal representatives chosen by joint electorates, but I am uncertain whether they should be joint electorates of women or of men and women. I think the Indian women themselves rather dislike the idea of a

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[Continued.]

purely women's electorate. With great deference, I am inclined to differ from them, because thinking of the logic of it, if you are having these reserved seats as a definite way of securing better representation of the women's interests, the question is whether it is not quite logical and consistent to have the women chosen for those women's seats by women only. You would still leave the chance to other women to stand as candidates for ordinary constituencies where they would be elected by mixed electorates of men and women. I do not feel very strongly as to whether it should be women's electorates or mixed electorates of both sexes, but I do think it should be a form of election and a form of election through a joint electorate. As to the Provinces, I think much the same kind of considerations do obtain. There, again, there is going to be rather a difficulty in filling the reserved seats. There are more reserved seats and, therefore, the difficulty is not quite so great, but I should suggest that broadly speaking the same observations apply.

13,673. Would I be correct in thinking that you are opposed to the method of nomination on the ground that the individual nominated loses influence because he or she is not representative? What view would you take of that argument?—I do not think I should like to see nomination, either for the Provincial Assemblies or for the Federal Assembly. I think that the nominated person never feels that he is, or is looked upon by others, as being in quite the same position of authority as the elected person. I think, also, there is a bigger reason than that. I think the process of nomination does lose you the educative effect of the campaign on both the candidate and the electorate. You do not get the ventilation of women's causes and questions that ought to go on when you have women candidates standing and trying to secure the suffrages of the electors.

Sir Austen Chamberlain.

13,674. Miss Rathbone, I am a little puzzled by your last answer, because I understood you to say earlier that if the choice of method of election of women to the Federal Council of State was between election by the Provincial Assemblies and nomination, it was at least an open question, in your mind, whether nomination would not be preferable?—I do not think there is an inconsistency between what I said about that and what I have just now said, because where you are dealing with the Council of State, clearly direct

election by a wide electorate is out of it, I understand. I mean the Committee has definitely put that aside. They are proposing to fill the Council of State by a method of indirect election. Therefore the choice is a different choice. You are not choosing between a really democratic election and nomination. You are choosing between nomination and election by a Provincial Legislature. Now what I foresee is this, that if you give us anything in the Council of State I am afraid you will give us very few women. You are not likely to recommend at the very most more than one woman. If there is only one woman to be chosen I am not quite certain who would make the best choice—the Provincial Legislature or the Governor-General.

13,675. But is it a question of the number of women to be chosen or of the body by which they are to be chosen? Would you say that it was at least an open question whether nomination was not preferable in any case where the alternative was indirect election? Suppose, for instance, that Parliament should resolve to apply a system of indirect election to the lower House of the Federal Assembly as well as to the Council of State, would you then say that it became an open question whether you would not prefer nomination of the women?—No; I think probably I should be wrong in saying that. From what I know of Indian women, I think they would definitely prefer election.

13,676. Even though it was indirect?—I really could not say. I have not discussed the matter with them, whether they prefer indirect election to nomination.

13,677. I put these questions because Miss Rathbone will see that she cannot assume that the White Paper will leave the Committee exactly as it was presented to the Committee. What changes may be made in it I cannot forecast?—You are foreseeing that the Committee may decide to recommend indirect election for the Federal Assembly as well as for the Council of State?

13,678. It may alter the method of election either of the Council of State or of the Federal Assembly?—Yes. It is rather difficult to pronounce upon a hypothetical proposal without seeing what that proposal is going to be. I should have thought there might be a possibility, even if the present form of election suggested for the Federal Assembly is not approved by the Committee, of some compromise between such



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[Continued.]

a proposal as nomination or even indirect election—something rather more democratic than that.

13,679. But “something more democratic” is a very question-begging phrase—I mean, there might conceivably be some form of election that was not open to the objections which I see from reading the evidence and yet which did secure a mead of popular approval.

Sir Austen Chamberlain.] Let us hope we shall find one.

Mr. M. R. Jayaker.

13,680. Supposing the number of representatives in the Lower Federal Legislature were such that each Province would have one or more women representatives in the Federal Lower Legislature, in that case do you think that the women of India would prefer nomination to indirect election?—It is rather difficult to say until we know who are the indirect electors. We do know that the women of India very much dislike the proposal that their reserved seats in the Federal Assembly should be filled in by the Provincial Assemblies. They want a form of election.

13,681. I am talking of indirect election by the Provincial Legislatures?—Yes; and you are asking whether the Indian women would prefer that to nomination.

13,682. In the event of each Province having one or more representative women in the Lower Federal Legislature?—Would the Indian women prefer nomination to indirect election by the Provincial Legislatures?

13,683. That is so?—I have never heard them express an opinion. I rather suspect they would prefer indirect election by the Provincial Legislatures, but they have asked for neither of those things. They have asked for direct election by an electorate.

Sir Hari Singh Gour.

13,684. That is just the answer you gave to a question I put to you on the subject?—Yes.

Sir Austen Chamberlain.

13,685. Miss Rathbone, may I turn to one other matter in sub-paragraph (d) of paragraph 11 of your main Memorandum. You point to the fact that the adoption of a matriculation test may have unfortunate results upon the direction which the girls' education will take?—Yes.

13,686. Have you anything to add to the reasons, which you have given here? I ask because the passage struck me very much and I wondered whether you would care to amplify it in any way. If you feel your reasons are fully stated here I am satisfied.

13,687. I think the matter is fairly fully set out there, if that paragraph is taken together with all the other paragraphs. To my mind, they together constitute a tremendous case against the educational test proposed. It is bad in almost every way. It secures a very small number of women voters. That is one objection. It increases the disproportion between the number of men and women. That is another objection.

13,688. Pardon me, I quite appreciate that this is only one of your reasons, but what I want to know is this: The argument here is that if you adopt this test it will have a deleterious effect upon the course of women's education. Do you care to amplify that argument at all? I do not want you to repeat all the others which I have read and studied?—Simply to amplify that argument, I can say that, though that is my own argument, it is not drawn directly from anything I have heard Indian women say upon that particular point. It is very much in line with many things that Indian women are saying in connection with Indian women's education. They do feel the need for a wider recognition of the kinds of education that women especially need. It is not only that women's education is neglected but that the right kind of women's education is neglected. They have expressed their view upon it. I think they have taken a rather different line from British women upon that subject. British women have always been terribly afraid of any differential education between men and women. Indian women, as far as I can make out, are perpetually harping upon the need for encouraging the arts, domestic education, and all those questions, because they feel that Indian women so much need that education. How can it be anything but bad to give the seal of the State to the view that if you have passed matriculation, which is the normal entry to a University degree, you are fit to have a vote, but that if you have studied for three years in a domestic science school or if you have made a special study of housewifery and midwifery, and if you have done it perhaps at home, you are not worthy to



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[Continued.]

be a voter? You may have preferred that kind of education because you knew you were going to be married, or if you were an Indian woman you were already married, and you know that your life is going to be the life of a wife and a mother and not that of a teacher or of a doctor. Therefore, you have specialised on domestic questions, and now the State comes in and says: "Because you have specialised on those questions, those subjects are all very well, but they do not fit you to be a voter, but a person who has passed an examination in reading and writing and scratchy geography is to have a vote and you are not to have a vote."

*Lord Eustace Percy.*

13,689. Miss Rathbone, would you go further than that and agree with me that the educational qualification is likely very badly to divert the education of men as well, discriminating against the man who goes to the vernacular middle school in favour of the man who matriculates from a secondary school?—I have not made the same kind of study of the men's question that I have made of the women's and, therefore, I rather hesitate to express an opinion, but, broadly speaking, I should like to see a lower educational qualification for both sexes, only, as my special charge are the women, one has to remember that if I advocate lowering the educational qualification for men and women I am rather defeating the object of bulking out the women's vote, so I feel rather in a difficulty.

*Lord Eustace Percy.*] As the question has been raised by Sir Austen, perhaps the Committee will allow me to say that I look at the educational qualifications proposed for voters in the White Paper with the very greatest alarm, because they seem to me to run against everything that education is trying to do in India at the present moment.

*(The Witness is directed to withdraw.)*

Ordered, That this Committee be adjourned to to-morrow at Five o'clock.

*Mr. Butler.*

13,690. If the literacy qualification were coupled with application, would not that meet very many of your difficulties and would you make any very great objection?—I do not think I should feel a very serious theoretical objection, but I doubt whether you would be making it easier for yourselves. If you ask every applicant for a literacy qualification to come and prove that he is able to read and write, is not that going to be infinitely more trouble than carrying out the very simple procedure laid down by the Lothian Committee, that there should be three ways of proving literacy, first, to produce your school certificate, secondly, to produce your certificate signed by an inspector or magistrate, or someone of that sort, and if you cannot do either of those things, you appear before an Officer and prove there and then that you can read and write. Would not that make things much easier for yourselves? I do not object to application in the general sense that the onus is thrown on the applicant to prove that he is literate.

*Mr. Butler.*] That is what I meant.

*Chairman.*

13,691. Thank you, Miss Rathbone. We are very greatly obliged to you for having prepared these memoranda and for having given evidence?—I would only like to draw the attention of the Committee to a subject which I think has not once been touched upon in dealing with my evidence, and that is I do attach enormous importance to the question of making a better place for women in the administrative services as well as in the franchise. If you get all these amendments in the franchise and reservation of seats for women, they will be comparatively ineffective, unless you can get your women into the administration where they can serve the needs of their sex in education, health, and so forth.

DIE MERCURII, 18° OCTOBRIS, 1933.

DIE JOVIS, 19° OCTOBRIS, 1933.

DIE VENERIS, 20° OCTOBRIS, 1933.

*Evidence given on these days by the Secretary of State for India and his advisers is printed for convenience in Vol. II<sup>B</sup>.*

DIE LUNAE 23<sup>o</sup> OCTOBRIS, 1933.

## Present.

Lord Archbishop of Canterbury.  
 Lord Chancellor.  
 Marquess of Salisbury.  
 Marquess of Zetland.  
 Marquess of Linlithgow.  
 Marquess of Reading.  
 Earl of Derby.  
 Earl of Lytton.  
 Earl Peel.  
 Lord Middleton.  
 Lord Ker (Marquess of Lothian).  
 Lord Hardinge of Penshurst.  
 Lord Irwin.  
 Lord Snell.  
 Lord Rankeillour.

Lord Hutchison of Montrose.  
 Major Attlee.  
 Mr. Butler.  
 Major Cadogan.  
 Sir Austen Chamberlain.  
 Mr. Cocks.  
 Sir Reginald Craddock.  
 Mr. Davidson.  
 Mr. Isaac Foot.  
 Sir Samuel Hoare.  
 Mr. Morgan Jones.  
 Sir Joseph Nall.  
 Miss Pickford.  
 Sir John Wardlaw-Milne.

The following Indian Delegates were also present.—

## INDIAN STATES REPRESENTATIVES.

Sir Akbar Hydari.  
 Sir Manubhai N. Mehta

Mr. Y. Thombare.

## BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan.  
 Dr. B. R. Ambedkar.  
 Sir Hubert Carr.  
 Mr. A. H. Ghuznavi.  
 Lieut.-Colonel Sir H. Gidney.  
 Sir Hari Singh Gour.  
 Mr. M. R. Jayaker.

Mr. N. M. Joshi.  
 Sir Abdur Rahim.  
 Sir Phiroze Sethna.  
 Dr. Shafa'at Ahmad Khan.  
 Sardar Buta Singh.  
 Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

The Right Honourable WINSTON SPENCER CHURCHILL, C.H. (a Member of the House of Commons), is examined as follows:

*Chairman.*

14,400. Mr. Winston Churchill, you have held high office under the Crown over a long series of years; you have

been good enough to prepare a Memorandum, which is marked No. 87, and which you now hand in?—Yes.

## MEMORANDUM 87 BY MR. WINSTON CHURCHILL.

1. My three years service in India was so long ago, and I was so young at the time, that it enabled me only to form a mental picture of the country, and a liking for Indians as companions in peace and comrades in war.

Although in the Government, I was not a member of the War Cabinet which framed the Montagu-Chelmsford reforms; but with this exception I have been for as many years as I care to remember in Cabinet office, and consequently I share responsibility for almost every great step in Indian policy which has been taken. It has been my duty to follow Indian

affairs over this long period, to read the confidential papers in India Office circulated to the Cabinet, and to participate in all the discussions and decisions required upon them. It is upon this study and the view thus gradually acquired that I rely at the present time. I judge the new proposals for Indian Constitutional reform in relation to these periodical and prolonged discussions in which the Cabinet was guided successively by Lord Morley, Lord Crewe, Sir Austen Chamberlain, Mr. Montagu, Lord Birkenhead and Lord Peel, with all of whom I have sat in Council.

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2. Knowing how thoroughly the Joint Committee is exploring the whole field of Indian policy, I shall certainly not trouble them with any exhaustive survey. I shall only submit a few selected points for their consideration.

3. The term "Dominion Status" has been used so loosely as to cause harmful misunderstandings. Mr. Montagu was wont to impress upon his colleagues how important it was that the "status" of our Indian fellow citizens should not be in any sense inferior to that of any other of His Majesty's subjects. I sympathise and agree with this opinion, and have always tried to further it. During the Great War in which the martial races of India played so gallant a part, and in which we were sustained by the general good-will of the many peoples of India, representation similar in form to that of the Dominions was accorded to India in the main Imperial and Inter-Allied councils. Similar in form, but not in fact; for the Prime Ministers who represented the self-governing Dominions were responsible Ministers at the head of Governments elected on democratic franchises, whereas the distinguished Indian representatives were nominated upon the authority of the Secretary of State. In this sense, therefore, but only in this sense, did India enjoy "Dominion Status" during the war and the peace negotiations, where the special interests of India were ably stated and carefully considered.

4. The phrase "Dominion Status" was thus frequently used in those days by Ministers when speaking about India; but according to my recollection and belief no member of that Cabinet, certainly not the Prime Minister, meant, contemplated or wished to suggest the establishment of a Dominion Constitution for India in any period which human beings ought to take into practical account.

The work of that Government, far reaching as it was, is summed up in the Government of India Act of 1919. The preamble and Clause 41 define effectively the position which had been reached. It in no way involved or implied the grant of a Dominion Constitution.

5. Indeed there is no connection between "Dominion Status" and "Dominion Constitution." Status means rank; constitution means functions. Rank and functions are entirely separate attributes; just as caste is

unaffected by earthly fortunes. In the Privy Council for instance, as I reminded the House of Commons some time ago, all the Councillors are of equal status, but most of them are privy to none of His Majesty's secrets, while a few govern the country and are privy to all. In order to clarify the confusion which has arisen around the term "Dominion Status" for India, it is important that the distinction between rank and functions should be kept clearly in mind.

6. Since those days "Dominion Status" has no doubt been increasingly identified in the minds of Indians with "Dominion Constitution." At the same time the character of Dominion Constitutions has been fundamentally altered by the Statute of Westminster. By the Statute of Westminster various rights of the Crown over the dominions were swept away. Several of these had long been a dead letter so far as the self-governing dominions were concerned; but they were valid as regards India, and in fact the main foundation of its government. Under the Statute of Westminster it is open to a dominion to secede from the British Empire and to abrogate in so far as it affects them, any law which has been passed or may be passed by the British Parliament with the Royal Assent. This last power unless restricted at the request of the dominion, would even extend to the constitutional instrument to which the dominion owes its being. A Dominion Constitution also of course carries with it plenary control of the armed forces, of the police, of the courts, and of finance. Nothing of this sort was intended ten years ago, and we are now assured that the "safeguards" provided rule it out of the question now. It seems therefore wrong for the high servants of the Crown, whether Ministers, Viceroys, or Governors, to use this phrase or hold out hopes based upon it, unless they see their way to its practical realization within some period of time to which living men can reasonably look forward. If they have ideas that India may become a self-governing dominion like Canada or Australia within one hundred or two hundred years, and that is all they mean by it, they ought not to use such a phrase without also explaining that it cannot be achieved in any period which men can foresee. Particular responsibility falls upon those who at the present time, when constitutional issues are rife, when the whole of this ground is so well-known, and after

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the Statute of Westminster has been passed, use this phrase without at the same time disclosing the reservations which they have in their own minds which make it meaningless so far as contemporary politics are concerned.

7. The expression "India" has been even more loosely used. India is not a country or a nation; it is rather a continent inhabited by many nations. The parallel to India is Europe. But Europe is not a political entity. It is a geographical abstraction. No one after centuries of progress can voice the opinion of Europe, or claim to speak in "her" name. But the racial and religious divisions in India are more numerous and far more deep than those which rend Europe. Such unity and sentiment as exists in India arises entirely through the centralised British Government of India as expressed in the only common language of India—English. It seems to me therefore unhelpful to the study of Indian problems although it is very usual, to personify India in this way, or to imagine that any settlement on any subject can be come to by a bargain with India as a whole.

8. The government of India is mainly an administrative problem. Constitutional questions scarcely at all enter the life of the people. When the vast masses are so miserably poor, and when every increase of wealth which science brings, is so swiftly swallowed up by an immediate new increase in the population, the overwhelming duty of the Government is to secure to these masses the ordinary securities and services of civilization. The apparatus of government in India is incomparably more important to the Indian masses than political change. Peace, justice, hygiene and scientific development form the sole foundation whereby not only the well-being and progress, but even the very existence of scores of millions of Indians depends. The British Parliament is responsible at present for the maintenance of these essentials, and it should never endanger any of them seriously for the sake of gratifying the Indian intelligentsia by making political changes. Whatever constitutional progress it is possible to make, must be subordinated to the paramount responsibility of Parliament for internal tranquillity and efficient administration.

9. There are of course differences of opinion about whether an extension of self-government in India will involve a deterioration in the Indian services.

Some say one thing and some the other. I myself fear that there will be a sensible deterioration. But if the deterioration were neither great nor irretrievable, and if the extension of self-government gave a real measure of moral satisfaction, it would be right to balance the one against the other. At any rate let us make an experiment. It is common ground between us all that we should make an experiment. No one can say that to hand over the Provinces to local Indian administration subject to certain controls is not an immense experiment. How any Indian gentleman or notable can suggest that the government of these provinces—great countries almost as large and as populous as France, Spain or Italy—is not a majestic task, cannot be conceived. How can it be pretended that it is derogatory to Indian self-respect or that it is a small thing? Personally I should be unwilling to guarantee its success. I cannot believe that the processes of democratic electioneering now falling into general disrepute in the western world will be found useful or helpful to the daily life of the peoples of India. Nevertheless in all the circumstances, and if it is earnestly desired by the Indian political classes, it should be given a trial.

10. I am therefore prepared to support provincial Home Rule in India subject to certain conditions:

(1) That the powers extended are delegated and revocable by Parliament. (2) That the experiment is given a fair chance over a long period of time without being unhinged by projects of further constitutional change. (3) That the governor of any province appointed by the King on the advice of British ministers should have one or more deputies, similarly appointed, associated with him, to whom he may when and where expedient entrust the control of the Judiciary, and also of the Police, unless it is found possible to organize the Police as an Imperial Service. (4) That an adequate Inspectorate be organised to ensure the faithful and effective expenditure of Indian monies and to discharge the abiding, inalienable responsibility of Parliament for good government.

11. I wish to enlarge upon this fourth condition. The provincial governments when functioning will draw their funds

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partly from the resources of the province and partly from the Exchequer of the Government of India. The Government of India, collecting taxes with the British army behind it as its ultimate sanction, cannot transfer large grants from the centre to the provinces, except in so far as it is sure they are spent for the purposes designed and with reasonable efficiency. There is nothing derogatory about this. It is no more than the British Exchequer does every year and every time that grants for national funds are made to local institutions. For instance, if the House of Commons decide to pay out of the Exchequer 40 or 50 per cent. of the cost of a Church of England, or a Wesleyan or Roman Catholic or Jewish school, it naturally looks to the inspectors from the Board of Education to make sure that value for money is received by the public. These inspectors check the number of pupils and the quality of education they receive. A similar process rules the relation of central and local government in many other spheres.

12. Thus simultaneously with the setting up of provincial Home Rule governments, we should form a Government of India Inspectorate, composed of the best British and Indian officials—the pick of the services—who should tour the provinces of India and report upon the working of all the transferred services. These inspectors would have no power to interfere with the responsible ministers of the provinces or to give any orders whatever to their departments. All they could do would be to recommend to the Government of India the reduction or withholding of Government of India grants in cases where there had been a serious failure. The power of the public purse is potent, subtle and constant, and every local authority yields itself naturally to the desire to win the highest possible grant by attaining the prescribed published standards. Such an Inspectorate would tend to bring the provinces of India together by creating a general and common standard of efficiency. It would strengthen the Central Government without detracting from the status of the provinces. The instrument of a Grant in Aid, accorded or withheld according to needs or performance, is well known throughout the British Empire. Above all such an institution would discharge during the currency of

the experiment the responsibilities of the British Parliament for the well-being of the Indian masses and the good government of the provinces. It would meet the odious accusation under which the White Paper scheme now lies, that we have ceased to concern ourselves with the welfare of the Indian peoples, and are only anxious for our own interests and rights.

13. This experiment in the provinces must naturally precede the making of a Federal system for India. First the sticks and then the faggots; first the bricks, then the wall. While this enormous effort of provincial Home Rule was being made, it would be all the more imperative that the Central government should be strong, integral and intact; for otherwise it could not discharge its duty either of helping and guiding the provincial governments or of reassuring the British Parliament that its delegated responsibilities were not being misused. The Inspectorate already mentioned would be a definite addition to its power. It would add a strength and force to the creative and structural side of the Indian administrative system which is vital to progress. Nothing could be more foolish and visionary than to divide power at the Centre during the period when the provincial Home Rule governments are being brought into existence: nor to draw away to the Centre from the provinces, as by a magnet, their ablest men and most capable administrators. As is usual in life some will succeed and some will fail. Those who succeed should be examples and an encouragement, those who fail can be helped. If any one fails hopelessly, the delegated powers can be resumed. If nearly all or the greater part succeed, then after a broad interval in which the fact is proved, the joining of the units together in a Federation might well be a matter of common agreement. Indeed if Indian statesmen and politicians could present to the world the spectacle of a number of great countries competently, efficiently and loyally administered, the binding together of these units, if they desired it, in a Federal form could never be restricted in British public opinion. But the proofs must be facts and not words.

14. It would be ungrateful not to recognise the very great improvement in the tranquillity of India which has been brought about during Lord Willingdon's Vice-royalty. A complete reversal of

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administrative policy has occurred, the details of which are obvious. This has proved that the existing machinery of government at the Centre of India is fully capable of maintaining law and order, even in very difficult circumstances, without any serious loss of life or use of British troops. There is therefore no case for reconstituting the Central government on the grounds that it cannot discharge its functions. It has shown itself able whenever it wished, to cope with any pressure, and to maintain the authority of the law in a sober, sedate and patient manner. A representative assembly separated like the United States Congress from the executive, may no doubt incline unduly to criticism, but the Central Government has shown itself strong enough to bear this strain, and I trust wise enough to profit by even the most cautious advice.

15. If this great experiment in Home Rule for the Indian provinces is to have a fair chance, it must not be distracted by vague suggestions of larger and greater change. Nothing is more unsettling to any country or continent than to dwell for a long time in suspense about its future form of government. To no community could such an ordeal be more trying or more harmful than to the three hundred and sixty millions, mostly very poor and many quite primitive people, for whom we are now responsible in India. Already the concentration of the limited political classes in India, and of the British officials and governing circles for so long upon constitutional change, has wrought material injury and denied material advancement to the Indian masses. Money, time, and life-energy that might have done much to improve the social, labour and cultural conditions, have flowed to waste in sterile political disputation. It is now six years since Lord Birkenhead procured from Parliament the appointment of the Statutory Commission; and nothing has been settled yet. To call in question in an unthought-out manner the whole foundations of the life and habits of one-sixth of the human race, and leave these matters dangling between earth and Heaven has been a sorry part to play in world affairs for those who have played it. I earnestly trust that whatever course the majority of the Joint Commission may recommend, they will at least provide a rest and a breathing space for the enormous population of India who have to gain their living under

the weight of the sun. What you have to give now, give and have done with it. What you cannot give, refuse and use your power, which is ample, to sustain your decision.

16. The worst part of all the mischiefs which have arisen from the Round Table Conference and from the loose sayings of politicians, has been the omnipresent underlying suggestion that whatever is to be done now is but the forerunner, or as it were the earnest, of far more sweeping changes which are impending. Even if the full proposals of the White Paper were carried into effect, their advocates usually say that these do not stand by themselves, they are only an instalment appropriate to a period of transition. I pause to register the responsibility of those who calmly commit themselves to such a progression with the pusillanimous mental reservation that not much will happen for the first few years, and at any rate it will see out their time.

17. Therefore I submit that if it is decided to embark upon the hazardous adventure of provincial Home Rule, it shall be made plain at the same time, that this for a long period is final, so far as the Imperial Government is concerned. And that all questions of what is to happen after the provincial governments have been found to succeed—if they do—shall be reserved till that most important event has passed from surmise into history. I think meanwhile we should rest upon the broad affirmation that no limits can be assigned to the progress of any portion of the King Emperor's dominions, nor to the station which any of His Majesty's subjects may achieve.

18. To sum up. (1) Dominion Status does not imply or involve "dominion constitution" or polity. (2) India is comparable to Europe rather than to any single country in it. (3) The responsibility of Parliament for the well-being of the Indian masses may be delegated, but is inalienable. (3) The existing form of Central government in India though no doubt capable of minor improvements has been equal to all the stresses of the last ten years, and the principle of Dyarchy if introduced would be fatal to its harmonious action. (5) Provincial Home Rule subject to special arrangements about Judiciary and the police is an experiment which should be given a fair trial. (6) It should not be prejudiced by proposals for further and wider change, or represented as a mere transi-

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tion stage. (7) A high grade Inspectorate must ensure the proper spending of all grants from the Central government to the Provinces. (8) The establishment of successful self-governing provinces must precede all question of their union in a Federal system.

14,401. Do you desire at this stage to add anything to your Memorandum or to make any statement?—No.

Sir Samuel Hoare.

14,402. Mr. Churchill, would it be a fair description of your proposals to say that you have three objects mainly in mind, namely, first of all the fact that Parliament cannot divest itself of its inalienable right to safeguard the interests of the Indian masses; secondly, that any advance that is made must be an advance by stages, judged by results, and in the case of the first stage, the stage would last—to use your own expression—over a long period of years; and thirdly, that the first essential is to get the Provinces working satisfactorily, and during that period to make no changes at the centre?—I think that is an admirable epitome of what I have endeavoured to set forth.

14,403. Then, beginning at the first of your conditions, the inalienable right of Parliament to safeguard the interests of the Indian masses, would you tell the Committee whether that is a condition that covers the whole field, or in what way do you define this right of Parliament to safeguard the interests of the Indian masses?—I think I should use the word “duty” rather than “right.”

14,404. Taking the word “duty” instead of the word “right,” what would you say?—I do not see how Parliament can divest itself of responsibility for the well being of the Indian masses; and although it may delegate its powers it is bound to supervise their exercise and must be sure that no great evil came upon those great masses through a misuse of the delegated powers.

14,405. Are you aware that under the Government of India Act of 1919 there are two fields of administration: the one reserved and the other transferred to popular control in the Provincial administrations?—Yes.

14,406. I do not know whether you have got the Simon Report available with you?—No, I have not.

(A copy of the Report is handed to the Witness.)

14,407. I would refer the Committee to page 149 of the First Volume, where you will see set out in detail the fields of administrative activity that are reserved and those that are transferred. Would you agree that the transferred subjects cover a very wide part of the life of the Provinces?—Oh yes.

14,408. Local Government, Public Health, Education, Public Works, Agriculture and Fisheries, Co-operative Societies, Forests in Bombay and Burma, the Development of Industries and so on. Would you say that the duty of Parliament extends in the same way over that field of administration as it extends over the reserved field?—I regard that as a field where the responsibility has been delegated but I do not accept the view that it has been necessarily irrevocably delegated.

14,409. So that you would arrive at the conclusion that even in that field it would be possible to transfer subjects from the transferred field back to the reserved field?—Certainly, in the event of a grievous breakdown.

14,410. You remember, do you not, the conclusion at which the Statutory Commission arrived upon the subject and which was also confirmed by rulings of the Speaker and I think by rulings in the House of Lords. It is set out on page 181 at the end of the second subparagraph of paragraph 197: “The effect” (that is to say, of this transfer) “is, broadly, that the Secretary of State and Parliament are not concerned with the administration of transferred subjects.” Would you agree with that view?—I say the subjects have been delegated.

14,411. And so long as they are delegated you would agree with the view of the Statutory Commission that Parliament has divested itself of the duty of criticism?—Parliament has divested itself of the duty of administration and has delegated that power, but no one could suggest that if all these important services that you have enumerated were to go into utter chaos and confusion Parliament while retaining its present responsibility could sit by and be content to see all these services so vital to the Indian masses degenerate indefinitely. In that sense I regard the delegation which I trust is a permanent delegation and a transfer which I trust will never be necessary to recall as one which is never-



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theless in theory and fundamentally not an irrevocable transfer.

14,412. Supposing the services did deteriorate in so serious a manner as you have just described, how would Parliament exercise its right of withdrawing a subject from the transferred field? Would it need an Act of Parliament?—I could not say without more consideration of such a very difficult constitutional issue, but I have no doubt whatever that if a complete condition of anarchy and of administrative collapse occurred the resources of the Imperial Government would not be unequal to finding a method by which control could be resumed.

14,413. I really wanted to know rather more precisely what was in your mind whether it was in your mind that Parliament could, of course, pass an Act amending any Constitution Act or whether you proposed to give the Governor-General and the Governor powers at discretion to resume the administration of any of these services?—Well, if the circumstances which you have suggested and which I have elaborated at your suggestion were to come to pass, the question of whether it could be done by an act of the Viceroy and the Secretary of State or whether legislation would be required is purely one of procedure.

14,414. I would have thought not. May I put it to you: There is a considerable distinction between admitting the right of Parliament to pass any Act that it so desires and actually under the Constitution giving the Governor-General and the Governor power to resume the administration of a service if the administration of that service has deteriorated. Would you not think that the second alternative would have left the Provincial administration in a state of great uncertainty in which the Ministers and the Legislature would never know when such and such a service was to be changed from the transferred field to the reserved field?—Well, we are arguing rather upon the theories and the principles which underlie the extension of self-government than on their day to day working. Of course, when powers are transferred and delegated it is intended that they shall be freely used, and even misused within certain limits, but if such a situation occurred of such a grave character as we have for the moment summoned up—one which I am hoping will not occur—if that happened then in my view it is clear that there is a residual inalienable responsibility whether over the trans-

ferred or non-transferred services for us to ensure a measure of decent government to the masses of India while we hold our present position.

14,415. You would restrict your contention to cases of really serious emergency? I was not clear from your Memorandum whether you did not intend to cover cases of administrative deterioration—cases less easy to define than the case of a grave emergency?—It would have to be an aggregation of cases of administrative deterioration which in their sum amounted to a breakdown in the Government tantamount to a serious emergency.

14,416. Then coming to the methods by which you suggest that your proposals should be carried into effect, would I be right in saying that two cardinal features of them are, in the first place, a system of grants in aid from the centre, and secondly, agency inspectors to see that a certain standard is maintained?—I presume that the Province has revenues which are raised from the Province and that in addition there are grants from the general revenue raised by the Government of India which are supplied in aid of the revenues of the Province, and in my view an Inspectorate should follow up and supervise, of course at a distance, the administration of those moneys.

14,417. But has not the whole policy of administration over a very long period of years stretching much farther back than the institution of the 1919 reforms been consistently against the system of grants in aid, and in the direction of distinguishing clearly between the financial resources of the centre and the financial resources of the Provinces, and of giving the Provinces a financial independence in their own field? That, Mr. Churchill, you will certainly find was the opinion of the Statutory Commission. If you will look at pages 343 to 347 of Volume I, you will find that there is there set out a history of Indian financial administration, and it all goes to show that what I have just said has been the consistent policy of Indian government for a great number of years?—What is the exact question you are asking me: am I aware of this?

14,418. Are you aware of it?—I would not say that I was aware that that tendency was so pronounced as to be a fundamental part of the British policy towards India, but anyhow I should regard as an open question the alloca-

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tion of particular Imperial revenues to Provincial purposes or the transfer of special funds from the centre to the Provinces. Which of those two measures it would be the best to adopt I regard as an open question, and my impression would clearly be to have a measure of financial control in order to make sure that there was a reasonable standard of expenditure and efficiency.

14,419. Are there at present any grants in aid towards transferred subjects in India?—Do you mean at the present time?

14,420. Yes?—I could not tell you.

14,421. I wondered whether you agreed with me when I said there were not. If there were, would you not agree that your proposal cuts across, be it a good plan or a bad plan, the existing plan and also incidentally the plan of the White Paper?—Of course, in making my proposals, Sir Samuel, I was endeavouring to help you.

14,422. I am very much obliged to you?—I have sympathised very much with the charge which the White Paper lies under, that as long as we get our trade interests and our Imperial rights we can wash our hands of any great deterioration in the life of the Indian masses, and it seems to me that by a method of this kind you would have an answer to your critics, of whom you still have some, on that point, and would be able to show that you had not washed your hands of the wellbeing of these hundreds of millions, but on the contrary although you delegated powers you still retained a lively interest in the working of those powers and the welfare of the masses affected by them.

14,423. I am very much obliged to Mr. Winston Churchill for any help he can give me. I must not be taken to admit the charges that he has just made, but anyhow do you contemplate that these grants should be big or small grants? I ask the question for this reason. You take as your analogy the British precedent of grants in aid, and what I wanted to know was whether something like the British grants in aid were in your mind in the case of the Indian administration?—I am waiting with great interest for the plans which you will lay before us for the financing of the Provinces, partly local and partly from the Indian Imperial Exchequer, and you know much more about the exact pro-

portions between the Provincial and the Imperial revenue which will be available for the maintenance of Provincial Government than I do

14,424. Mr. Churchill, you already know everything that is in our minds. We have put our proposals in the White Paper and in the Memoranda; but apart from that fact it is very material to know what kind of grants you have in mind—whether big or small?—Considerable.

14,425. Take a concrete case; take the case of education. Have you in mind something like the British grants in aid that we give to local authorities in education here?—I have not at all attempted to prescribe the percentage of grants, but in so far as there is money devoted from the centre to the Provinces, then on that there should be based an Inspectorate which will see that value for that money is received.

14,426. Would you still say that that was the case if the revenues of the Provinces and the centre were distinguished and if there were no grants of that kind at all?—Of course, if the Provinces were wholly self-supporting and there were no grants from the centre, obviously the claim of the centre to follow up the expenditure would fail, because the money would not be going from the centre to the Provinces, and the foundation of my proposals would be shorn away, and you would then lose the opportunity of making the defence which I have provided for you on this point.

14,427. Would you say, Mr. Churchill, that in the cases where there were no grants made by the Centre to the Provinces, your proposals would not apply?—This particular proposal of an Inspectorate would not have a foundation. That is perfectly true. That, in my opinion, would make it still more difficult to institute provincial autonomy.

14,428. Would you not say that this system of Grants in Aid, particularly if the grants were on anything like the basis of the grants here, would be a serious infringement of the financial responsibility of the autonomous provinces?—No, I do not think so at all. It is not a serious infringement of the responsibility of local governing institutions that they derive revenues from the Exchequer. It is not an infringement of their responsibility. On the contrary, they endeavour to earn the grant by good service.

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14,429. Would Mr. Churchill, though, not say that there is a difference between the Government of an autonomous Province and a local authority in England; a local authority in England being a purely administrative body; a provincial Government being essentially a government whose autonomy, I gather, we all wish to encourage?—There is, of course, a difference, and all analogies arise from the fact that you are comparing things which differ, and you are selecting, out of those things which differ, such points of resemblance as are helpful to the discussion in hand. Of course, there is a difference. That is no reason why we should not have analogies sometimes.

14,430. Would you not say that the vast difficulties of geography and the great variety of conditions in one Province as compared with another, do make an essential difference between grants in aid to a Province and grants in aid to a comparatively small local body in England?—They make a difference, but not a difference which, I think, is relevant to the main point I am submitting.

14,431. You think it would be possible to administer these grants with these great provincial Governments differing very much one from the other, with differences of standard much greater than the difference of standard in the administrative bodies in England?—I do. I think that if you had a body of men British and Indian (the pick of the Civil Service of India) who had served also in the Central Government as well as in the Provinces—I think that their travelling about and following up the working of these transferred services and provincial institutions would be advantageous and easy, and that they would be quite capable of making the necessary allowances for the differences of conditions between one Province and another and that their general working over a period of time would tend to assimilate the standards in various Provinces more and more to one another, so that you would have that unity of standard and that approach in the conditions of life between the different parts of India which, it seems to me, is the prelude to the very large schemes you have in mind.

14,432. How would, in actual practice, this Inspectorate work in the case of these great Provinces at very large distances from the Centre, and with every kind of contrast of administrative prob-

lem? Let me put to you, if I may, the contrast between the problem here in which there is a general uniformity of standard, in which there is a centralised Government imposing a uniform policy upon the whole country; whereas in the case of India, you would have none of this uniformity either in the conditions of the Province nor indeed, probably, in the detailed provisions of your administration. Do you not see a great difference between the two problems?—I certainly see differences, but I do not think the differences are relevant to the point I was meeting.

14,433. Would it not actually mean that you would have to have an immense army of inspectors? How otherwise, to take a concrete case, could a central inspector know anything about the standard in a particular school, it may be many days journey from his office, unless you had actually in the Province itself almost a duplicate of the provincial administration?—I should not be prepared, sitting here, to attempt to unfold the detailed machinery for the execution of this proposal, but, if the Joint Committee on thinking it over thought it was worth looking into, I presume a sub-Committee or your own Department, Sir Samuel, could very easily explore the problem in detail and could present the kind of machinery possibly with alternatives which would be necessary to give effect to it.

14,434. Would it not seem, on the face of it, that if the inspection was to be of any value at all, you would have to have a very large number of local inspectors?—No; I do not think so. I was thinking of course of what I may call broad general checks on administrative failure, not the precise supervision which is exercised here, but if it were found that in some Province several important services were very far below the level at which they had been in former times, and far below the level of other Provinces whose conditions were perhaps not markedly dissimilar, in such circumstances, I imagine, that in the course of a year these inspectors would bring this matter to the attention of the Central Government, and that they would make recommendations for diminishing the grant in respect of these services unless there were arrangements made by friendly consultation with the provincial Government for improving the services.

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14,435. Would not the provincial Government be likely very much to resent this body of officials from the Centre?—Everybody always resents any form of control, but it does not follow that forms of control are not beneficial to many people.

14,436. Would you agree that here again it would be, rightly or wrongly, a substantial derogation of provincial autonomy?—No, I do not think so at all. Of course, if no money is received except what is really raised in the Province and from provincial revenues, then there is, as you have asked me, and as I have agreed, no locus for the imperial inspectors, but if there is money coming from the centre to the Provinces, there is an obvious right and duty to follow up its spending, and that is never derogatory. Where money is given, the authority which gives the money is entitled to follow up how it is spent. There is nothing derogatory in that. The remedy is not to take the money.

14,437. The conclusion of that would be that you would only have the inspectors in the deficit Provinces to which contributions are made from the Centre. Anyhow, apart from points of that kind, you would leave the existing Centre as it is, I understand?—That is going to another part of the subject?

14,438. No, you will see it is connected with this part of the subject, too, because I wanted to know how the money was coming from the Centre. Was it going to be voted by the Assembly, as grants of that kind presumably would be now, or not?—All these matters, if the Joint Committee liked the general principle of this inspectorate, would be very fit and proper matters to be elaborated by a sub-Committee, which would give a most illuminating report on the subject. I have no doubt, but I should certainly not attempt by answer across this room to elaborate the details of such a plan. I will make an effort, if you like, if you give me time, but I should not attempt to do that here. Obviously, with you, my Lords and Gentlemen, who are so saturated in all the details, I might easily say something which would not add at all to your knowledge of the topic.

14,439. Would you not say that, however good may be your plan, it does at any rate diminish the field of provincial autonomy, and that being so, does it not make the experiment of provincial autonomy less an experiment to depend upon for the future than if the Provinces

really were given autonomy, and you could judge them by actual results uncontrolled by the Centre?—I think the experiment of provincial autonomy depends for its success upon the service given to the masses of the people and, I being willing to support that, am most anxious that it should achieve success, and I believe that it would have a better chance of achieving success if provincial autonomy were diminished to the extent I have indicated, and only to the extent I have indicated, by the establishment of such an inspectorate.

14,440. You make it another condition of the experiment that there should not be a change for a long period of years, and that the first change should give moral satisfaction (I think that is the phrase you use) to Indian opinion. Do you think now the change that you have just propounded would give the kind of moral satisfaction that would still criticism for a number of years and allow this experiment to develop without the interference of agitation?—I never said anything about stilling criticism.

14,441. No, but you use a phrase (I have got it somewhere) about “unhinged by projects of further constitutional change”?—Yes.

14,442. Would you say now that these proposals would bring about that effect?—Of course, one would not support a proposal for provincial autonomy unless one meant loyally to try to make a success of it, and I am strongly of opinion that the kind of provincial autonomy which is in view, even though limited by the Inspectorate which I mentioned, would constitute an enormous sphere of Government and of responsibility for Government of these great countries, and, it seems to me, that it should absorb the energies and claim the highest possible interest on the part of the Indian representatives, notable gentlemen who would be called upon to discharge these great functions. They are tremendous functions. Then you say: “Will they have moral satisfaction, if there was, for instance, an Inspectorate?” I think when such a tremendous task is being set on foot as that, the Government of these great countries, as I have said, sometimes almost as large and as populous as France and Italy and Spain, a tremendous task is offered, and then we are told just because there is an Inspectorate just to follow up the expenditure of public money there will be no moral satisfaction. That, I am

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bound to say, would give me a feeling that all this demand was not really sincere, that it did not really represent such a very deep-seated demand on the part of the masses of the Indian population, but perhaps a superficial demand because I am quite sure that when great and real responsibilities are offered, and tremendous administrative tasks are confided to new hands, those tasks are worthy of acceptance; but, of course, if we were told "No, just because there is to be an inspector who will see whether the central moneys are properly spent, we do not think it is worth doing," I should think that is a most unreasonable attitude. I should not break my heart about it.

14,443. Is it not much more than whether there should be an Inspectorate, or whether there should not? Is it not really inherent in your scheme that the centre has the controlling voice in large fields of provincial administration, and that the Inspectorate is only the outward and visible sign of that conception of the Government of India?—There is a certain responsibility. There is a certain continuous inalienable responsibility in my view, both from the British Parliament to the Government of India, and from the Government of India to the Provinces. Quite obviously, that is so. You could not allow one Province to fall into a great state of confusion with all its neighbours doing well.

14,444. Would you not agree that there are other ways of ensuring the safeguarding of a position of that kind, for instance, the responsibilities that are given to the Governor-General and the Governors in their field of special responsibilities?—Yes; there may be other ways, certainly, but no method of controlling administration is less derogatory than the method which follows the power of the purse for grants which are given, taken and welcomed.

14,445. But your control admittedly would only be control in the two, three or four Provinces in which there was a deficit in which grants were made from the Centre. How would you meet your point in the other Provinces?—In regard to those other Provinces, I should be unable to relieve you of the reproach which, in my opinion, falls upon your policy.

14,446. I see. Supposing, Mr. Churchill, you could find no body of political opinion in India, Muslim, Hindu, or Sikh, in the Provinces, that

was prepared to work a scheme of this kind, would you still go on with it?—I am not called upon to admit such a contingency at all. It might be that there would be a moment when people whose hopes had been excited for so much wider or fuller powers would say "We will not take these poor things", but if on examination it were found that the sphere of action were great and real and majestic, then, in my opinion, after a short time, that resistance would pass away, and people would come in to exercise those real powers, because people always like to take part in exercising real powers.

14,447. Supposing, however, in practice these powers did not appear to be real and majestic, and there was no body of public opinion in the Provinces prepared to work them would you let them drop, or would you go ahead with them?—I am not starting out on the basis that I think the establishment of provincial autonomy is going to confer great blessings and well-being upon the daily life of the Indian peasant. I do not. I am starting out on this basis because there is a great demand among the intelligentsia and political classes of India for an increase in control of their own administration and affairs, and I am anxious to meet that demand; but if the proposals which I think you could safely embark upon were rejected, I should not be drawn to the conclusion that a catastrophe had occurred; quite the contrary.

14,448. You would then feel that you had divested yourself of any responsibility that may be upon our shoulders, and you would let things be as they are?—Not divested ourselves of responsibilities which were upon our shoulders, but we should be acting strictly within the limits of the Act of 1919, Section 41.

14,449. The effect of that would be, would it not, that there could be no experiment made at all?—You mean if the proposals which emerge eventually from Parliament for Provincial autonomy are not accepted by the Indian Political Classes in the different Provinces, there would be no advance at all? But that is your position too; if your proposals are not accepted, that situation would arise.

14,450. I was assuming, you may remember, that you had made a condition that the changes must give moral satisfaction to Indian opinion. Supposing these changes did not give moral satisfaction to any section of Indian opinion, supposing they did not agree with your

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view and said, "This is not Provincial autonomy at all, this is really in some ways even the tightening up of the existing centralisation," what would you do then? Would you just leave things as they are?—The view I take is that Parliament has to prescribe what it thinks is right and best. That is the function and responsibility of Parliament at this stage, and if you are going to say that Parliament must not prescribe anything that will not at any given moment be accepted by the representatives of political opinion in different Provinces of India, then I could not accept that. I do not feel that that is a limitation upon the powers of Parliament which I could agree to. I think we have to make the best plan we possibly can and sincerely give effect to it, and if that plan were rejected, then we are entitled to take a new view of the situation.

14,451. I was basing my questions really upon the conditions that you had yourself set out, namely, the condition of a successful working of Provincial autonomy and the condition that the change should give moral satisfaction to Indian opinion. It would appear to me that the changes that you propose would fulfil neither of those conditions?—You assert that.

14,452. I did assert it?—You are not inviting me to accept that?

14,453. That is the point of difference between us?—I do not accept your premise.

14,454. You would agree, would not you, apart from my own views, which may be of no account, that your proposals are diametrically opposite to the Proposals for Provincial autonomy that were made by the Statutory Commission?—Diametrically opposite?

14,455. Yes?—No, certainly not, but obliquely improved.

Sir Samuel Hoare.] That is to say, if I may use the expression used by Sir Boyle Roche, "I have so great an affection for the Irish Constitution that I would gladly sacrifice the whole to preserve the remainder."

Sir Austen Chamberlain.

14,456. Mr. Churchill, I was rather attracted by your proposals, but there are obviously very great difficulties, as indicated by the Secretary of State, in putting it into practice. The first question I would like to ask you, without asking for any names which I do not desire to receive, is whether you have

discussed this idea with any Indian administrators, and could say that as a result of that discussion the discussion has not shown you that it was impracticable?—I certainly have discussed it with one or two friends of mine who have experience and whose names I certainly should not mention, but I am putting it forward entirely on my own responsibility and as a suggestion devised to meet the danger that we should appear to disinterest ourselves in the life of the people of India.

14,457. That I understand. What was in my mind was that your personal knowledge, drawn from an experience very similar to my own, of Indian administration was probably, like my own, sketchy, vague and imperfect. I wondered whether you had fortified yourself by discussions with men who had had practical experience of that administration and felt, after talking with them, that it could be put into practice?—Yes. I was told by several people with great knowledge that something on those lines would be very reasonable and very helpful.

14,458. The next question I want to put is: Suppose the principle were accepted by this Committee or by Parliament, would you apply it to those Services which have already been transferred or would you at this stage confine it to those which are proposed to be transferred under the new Statute?—I should like to see it applied to all the important Services.

14,459. Take Education, which has been transferred?—Yes.

14,460. Would you feel it possible, so to speak, to go back on that transfer and apply this system to it?—I should not exclude it. Now that we are making a new arrangement I think that the metals are fluid and may be cast into new and better moulds.

14,461. Then perhaps I should be right in thinking that you would feel much more easy about the transfer of the Service of Irrigation if there were some such guarantee that that vital Service did not deteriorate?—Yes.

14,462. And was fairly and justly administered among the people?—Yes; certainly.

14,463. The Secretary of State put to you that this would require an army of inspectors. You disagree?—I disagree.

14,464. Am I right in assuming (I will take for this purpose the same illustration that he did—Education) it is not



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your conception that one of these inspectors serving under the Central Government should examine every school in every Province every year, is it?—No. My idea presupposes that perhaps once in the year one or two of these gentlemen from the Centre would come down to one of the Provinces, would spend a week or so with the Provincial Government, look into the different departments, discuss matters with the officials of the departments, and if they wanted to go and see some particular school or if it was reported that there was some great breakdown, naturally they would look at that, but then they would go back to the Centre to Simla or Calcutta and meditate upon the position, but certainly it is not intended that they should do anything more than make occasional periodic inspections with a view to preventing any large block of Indian life falling behind the levels which are proved to be attainable in other parts of India.

14,465. If I pass to another Service, should I be right in supposing that in your mind the inspection of the Police would be comparable to that here; it would not be a detailed inspection but an inspection directed only to whether the Force was efficient and sufficient for the duties it had to discharge?—I made special proposals about the Police.

14,466. Yes?—Which, in my opinion, are overriding as compared with this Inspectorate.

14,467. Do you, therefore, exclude the Police from your proposals for Inspectorates?—I do not know what solution you are going to propose for the Police. If, for instance, there was an Imperial Police—an All-India Police—which I have been often told was impossible because of the diversity of conditions, but I do not see why it should be; when an army can be formed among the same diverse conditions, I cannot understand why an Imperial Police Service could not be formed—however you know more about that than I do—but if there was an Imperial Service of Police, obviously there would be the same routine system of Inspectors from the Centre of that Imperial Force with its local branches. If the alternative proposal, which I have made, and which I like less than an Imperial Police Service, were adopted, namely, a proposal founded on some paragraphs of the Simon Report, that the Governor should have one or more deputies and should, wherever and whenever the circumstances may require, en-

trust the portfolio of Police or Home Affairs to that Deputy, if that course were followed, then, although in theory there might be a following up of the moneys from the Centre handed over to the Province, it is obvious that the work would be mainly done on the spot by an Officer under the Governor of the Province, who would be in a higher relation with the Central Government and with the Viceroy.

Earl Peel.

14,468. Mr. Churchill, we have been told—we know, in fact—that your suggested scheme would be a very great reversal of the whole tendency of Indian administration since the Reforms were instituted. You are going back to a far more centralised system?—No, I do not admit that.

14,469. You do not admit that this system of grants from the Centre and controlled by Inspectors is of a centralised nature?—But other powers are being accorded at the same time, and taking it for all in all it would be, as I should hold, an advance.

14,470. I think it would be very difficult to argue that further powers are being given when you are actually reducing the full authority of the Provinces over those areas of administration which have been made over to them and which were transferred subjects. You can hardly contend that they were having more freedom of action in that specific field, can you?—I do not consider that a helpful inspection from the Centre, accompanying a welcome flow of money, is a derogation upon autonomy.

14,471. I think you have said that your scheme really very largely depends upon the financial scheme—that is to say, on these grants being made from the Centre. That is so, I think?—Yes.

14,472. And you are advocating this financial scheme, not so much as good in itself as it stands, but as enabling the Centre to have the control over the administrative action of the Provinces. Is not that so?—Yes, to have an influence upon what you call the minimum standards of efficiency.

14,473. It is for that purpose. Is it not because you think that the system of grants by the Central Authority in India to the Provinces is necessarily a good system?—I do not say that at all. I think it is a very good system to have some revenues from a higher authority and other revenues from the local authority and to have the external assistance



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in maintaining a standard. After all, what are you aiming at? You are aiming at a good standard of life for the people. If you forget that you are forgetting everything.

14,474. You are no doubt aware that at all the Round Table Conferences the feeling of a large measure of Provincial independence was overwhelming and that in order to carry that out it was suggested that there should be a partition of fields of finance between the Centre and the Provinces; that, in fact, certain methods of raising money should go to the Centre and some to the Provinces. Your scheme, of course, would cut across all that, would it not?—I do not see why.

14,475. It would mean that the Centre would not have out of customs and other sources of revenues assigned to it sufficient money in order to make these grants to the Provinces. It would, therefore, mean, would it not, that the Centre would have to have control pretty well over the income tax and perhaps over the land revenue as well in order to get sufficient money for these grants?—You are leading me into detail as to which it would not be profitable for me to try to advise you, but it only complicates the simplicity of the proposal, that if there are certain revenues which are given and contributed to the general revenue of the Province, whatever is the proportion between the two, in that proportion there should be a following up by the supervising staff.

14,476. But it is in your mind I think rather subordinate to the necessity of exercising some control over the Provinces by the Centre through the method of grants. Is not that so?—I suggested that that is one way in which you can avoid being accused of having washed your hands of the well-being of the great mass of the Indian people.

14,477. You have not really considered, have you, how far this system—what I call this reversal of the present system—would be acceptable and readily worked by the different Provincial Councils and Governments?—I have been considering chiefly whether it would be good or not. If it were good, real and sincere, I believe that, with patience, it would be found to be acceptable. If it were not found to be acceptable I should deplore the fact, but I should not necessarily consider, as I said before, that a great disaster had occurred.

14,478. "Good" is rather an ambiguous word in these connections, is it not?—I was not aware of that

14,479. I want to ask you a further question, if I may. You have said that it is one of the conditions under which you would grant this limited scheme of autonomy that it should have a fair chance over a long period of years?—Yes.

14,480. Can you define that period any more closely? Have you any idea as to the period of years over which it would work; I mean, is there anything in your mind about the old system by which under the Act of 1919 a Commission would go out every ten years to see how the administration was getting on, and so on?—Of course, there is always a difficulty in stating an exact number of years. Sir Samuel, for instance, would find a difficulty in stating when he is going to achieve full dominion status. We speak of a period of transition in regard to the White Paper proposals and how long they are to last, but if we were to ask how long is this period of transition to be, I doubt if we should get an answer. My idea was that certainly 10 years was too short a time; I think that is proved by what has occurred. Ten years seems so very long when you project it before you. It passes very quickly. In my experience, I have twice taken part in administrative and Government decisions which were for a 10 years period, and it seemed that we should never have any trouble again, but we lived to see the end of both those periods. They very quickly arrived.

14,481. I think one observation you make is that if the Indian politicians had been more busy with administration than in discussing constitutional changes it would have been much better for everybody in India?—Yes, I say so.

14,482. I have always said so; I entirely agree with you?—Thank you very much.

14,483. But is not this the case, that one of the very reasons why the Statutory Commission advised that there should not be a sort of periodical visitation in order to see how things were getting on and with a view to advising as to whether more power should be transferred, was that it almost necessarily led to this constant constitutional agitation which went on all over India and in the Provinces and diverted people from doing their proper work?—Yes, I

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take that view, but I am not quite clear whether I understand you. Are you using this in connection with the suggestion of an administrative inspectorate to follow up Government grants or not?

14,484. No, I am on the question of time because you make another very interesting observation, and that is, that nothing is more unsettling to any country or continent than to dwell for a long time in suspense about its future form of government?—Yes.

14,485. I was suggesting to you that as the general position is as laid down, the gradual development of self-government of institutions with a view to progressive realisation of responsible government, would not it be extremely disturbing during this long period for these people to know that possibly changes were to come and they would be living, as you say, in suspense about their future form of government? Would not there be likely to be exactly that form of agitation which was criticised and condemned by the Simon Commission?—Are you still on the topic we were discussing before, or are you on a new topic? I cannot frame my answer until I know that.

14,486. I am on the question of the conditions under which you are prepared to grant a certain degree of Provincial Home Rule in India. I am on paragraph 10?—I can answer you, I think.

14,487. Shall I make my question clear?—I do not think that an administrative inspectorate of the kind I have indicated would have any disturbing effect. On the contrary, by procuring greater efficiency it would give a greater feeling of security, but undoubtedly the whole essence of making a success of the provinces, of Provincial Home Rule will be prejudiced and jeopardized if all the time India is overlaid with the projects of much larger, swiftly impending changes. There I agree with you.

14,488. Do you think that you really could keep that question of the larger changes out of discussion in the Provincial Councils and the Assemblies when you had granted them what I should call so limited a scheme of Provincial autonomy?—I do not think it is a limited scheme; it is a very great sphere of Provincial autonomy.

14,489. And, in your view, that would be sufficient to keep off this constant constitutional agitation for a considerable period of years?—No, I have not said that at all; but, at any rate, Parliament

and the Imperial Government would have given what they considered was wise and right to give in accordance with the declarations and principles of the Act of 1919, and I am anxious that having done all that they feel is right and wise to do, they should call a halt for a period, for a stage, in order that people may habituate themselves to those new conditions and may develop them without being all the time disturbed by the fact that they are not to enter into a continuous discussion with the Imperial Government for further changes. It is quite true that they might continue to press for further changes. Everybody has a right to do that under free principles, and every assembly can do so, but as far as it rests with the Imperial Government, in my opinion, they should make it clear that what they have settled is settled for a period of time and that they will not reopen the question within that period of time.

14,490. I will not use an adjective, but you think that that degree of autonomy in the Provinces which you propose would be sufficient so to occupy the political energies of India that they would be much less likely to be discussing and urging fresh constitutional changes?—Well, it ought to be.

14,491. May I just ask you a further question in connection with your description of the Indian intelligentsia? You say: "The British Parliament is responsible at present for the maintenance of these essentials, and it should never endanger"—the essentials of the good government of India—I am interpolating that to make it clear—"for the sake of gratifying the Indian intelligentsia by making political changes." Is it your view, then, that this desire for constitutional change is only the product of what you may call the Indian intelligentsia?—We have not got, unhappily, any exact definition of what the intelligentsia comprises, but a very small minority of the whole population is interested in or concerned with political and constitutional change.

14,492. Is not that so in almost every country?—I do not think it has been so at all in a great many countries. Movements for a great constitutional change have frequently originated from the broad masses.

14,493. But you would say that this intelligentsia comprises the more active and developed political intelligence in

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India?—I did not use that as a term of reproach in any way.

14,494 No, I gathered that. I wanted to see how widely you were defining it?—I do not know that I can define it.

14,495. If you do not want to define it, let me ask you this. Surely it is the case, is it not, that these political leaders—you may call them the political element in India?—The politically-minded classes.

14,496. Yes. You cannot say that this demand or request is solely confined to them, can you, because then you leave out the very great and growing influence they have over certain sections, shall I call it, of the masses, and even though the masses may not be keenly interested in certain constitutional changes, if they are led by their political leaders, probably they will support their leaders in that demand?—That is one of the difficulties you have to face, but I do not know that I can add anything to what I have put down upon that point. Obviously, a real widespread solid desire should be met as far as it is possible to meet it without bringing evils upon the country.

14,497. Mr. Churchill, might I ask you, in relation to your scheme, exactly what your position about the Central Government is? I understand that you are fairly well satisfied with the Central Government, and you say that it has been quite strong enough under anyhow the present regime to maintain law and order in India. Therefore, you do not want, as I understand, to make any change, do you, in that Centre for the present?—I do not want a great change concomitant upon instituting Provincial Government to be complicated and disturbed by still further greater changes in the Central Government of India taking place at the same time.

14,498. And, therefore, you would like to leave the Central Government as it is at present?—I should leave it as it is for the present, subject, of course, to any minor improvements which your labours may suggest to Parliament.

14,499. Would you support the proposals of the Statutory Commission as to the considerable enlargement of the Assembly which they propose? They suggest, may I remind you, enlarging it from about 145 to between 250 and 280?—That is one of the many points upon which I am most eagerly awaiting your long-expected Report. I have taken the general position of being ready to act

within the ambit of the Simon Report. That is a very carefully chosen phrase.

14,500. Therefore, this position that at the present moment obtains, that you should have a Central Executive which is not responsible to the Assembly, and the Assembly in that sense irresponsible, and only in that sense—?—Advisory?

14,501. You are quite content that that system should continue?—Not only content, but I think it indispensable at the present stage that power at the Centre should not be divided at all in any way. While this tremendous experiment in the Provinces is being brought into being it is all the more vital that the Central Government should remain integral and not be vitiated by any principle of dyarchy being introduced there, but the value of an assembly does not depend necessarily upon it being a foundation for the formation of ministries at all. In some countries it does; in others it does not; and there are examples of successful and unsuccessful working under both systems.

14,502. You are very familiar, of course, with the offer of the Princes to come into a federal system and to take their part in the Central Assembly, the Senate, and Government, you are, of course, familiar with that offer?—Yes I greatly regret the circumstances in which it was made and the consequences which flowed from it.

14,503. You mean, you regret that the Princes and States made that offer?—Certainly, I do.

14,504. You regret it?—I regret it.

14,505. Do not you think that it would be a great advantage if the States and Provinces could work together, in India instead of going off on their own separate paths?—I am not ready to admit that their paths are separate. Certainly, they are not divergent. On the contrary, any administrative improvements which take place in British India are followed and reflected to a large extent in the administration of the States. I do not wish to see a Federal system established now—Central Government set up at the Centre. I wish to resist that, and therefore I am naturally not enamoured of or delighted with the proposal of the Princes to come into such a system and to facilitate it. If I were to express all my views about that I should get on to ground which would be more dangerous than any I hope I shall have to tread.

14,506. You are no doubt aware, Mr. Churchill, that at the present moment

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the Princes and the States have a good many grievances against the Central Government. I only take one which certainly no one can object to, and that is that they would like to have their share, for instance, of the Customs. They claim that they pay the Customs, or their nationals do, and they have no control over the method in which this money is spent. For one reason they might like to come into this Federal Government in order that they might have some control over the way in which that money to which they have contributed should be spent?—I, of course, am very sceptical about the desire of the Princes for this change and about their desire to come into this system—I am very sceptical about it, and I notice that whereas at the beginning when this proposal was first made it was said, "The Princes wish to come in", now the Secretary of State is resting content with 50 per cent. of them coming in, and, of course, it is very easy for the Imperial Government to form and shape opinion among the great notabilities and authorities in India, but I do not admit the reality of a demand on the part of the Princes for this great change at the centie at all. Nothing that I have heard makes me believe it.

14,507. It is not for me to say what the Secretary of State said, but I think the point was not that he was content with the 50 or 51 per cent. coming in, but that was a sort of minimum under which any Federal scheme could be accepted?—Well, there are degrees in contentment.

14,508. But anyhow I take it that you are yourself opposed to any such Federal scheme in which the Princes are to join and that you would like to leave the Centre for British India in which the Princes and States are not represented; that would be your scheme?—Certainly; until we can see what is the result of the Provincial experiment.

14,509. You would, in fact, I will not say refuse, but you would rather dissuade the Princes from coming into such a scheme at the present time?—I think if the Joint Select Committee felt that they had to drop the Federal proposals for the time being the Princes of India would bear it with stoical fortitude.

14,510. Anyhow, Mr. Churchill, it is quite clear that you would bear their refusal with complete fortitude?—Oh, with lively satisfaction.

*Lord Chancellor.*

14,511. Mr. Churchill, there is only one question I want to ask you: I am sorry to say it is a hypothetical one, but if you would be good enough to answer it, it would assist me personally at any rate. Would you be good enough to look at your Memorandum? Have you got it before you?—Yes.

14,512. Would you be good enough to look at paragraph 9, the last sentence, which says: "Nevertheless, in all the circumstances and if it is earnestly desired by the Indian political classes, it should be given a trial" The hypothetical question that would assist me very much, if you would kindly answer it, would be this. Supposing you were satisfied that it was the earnest desire of the Indian political classes to have the proposals of the White Paper, would that modify your present position?—No, not at all.

14,513. Why not?—Because I think these proposals would be detrimental to the well-being of the Indian masses, injurious to the rights of Great Britain and destructive of the Parliamentary and Imperial control.

*Lord Irwin.*

14,514. Mr. Churchill, you have made your position very clear in answer to preceding questions on the points which they have covered, and I only want, if I may, to ask you a question or two about a subject which has not yet been touched upon. You say in paragraph 3 of your Memorandum that in your judgment "the term 'Dominion Status' has been used so loosely as to cause harmful misunderstandings"?—Yes.

14,515. That is no doubt your view. I am afraid that probably you might include me in that specific condemnation?—I am not even sure I would exclude myself.

14,516. No, that is the point to which I was coming?—I thought so.

14,517. I wanted to ask you if you had in mind what seemed to me a most admirable speech, if I may humbly say so, that you delivered in June of the year 1921, I think. I suppose you have not by any chance a copy of the speech before you?—No, I have not.

14,518. Would you allow me to refresh your mind with it?—I should be grateful.

14,519. Because I was not fortunate enough to hear it, but I have no doubt

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that it produced a great impression upon those who did hear it, and the Committee would be glad to have the opportunity of refreshing their own minds. You were at the time, I think, Secretary of State for the Colonies?—Yes.

14,520. Who was then, was he not, responsible for the Dominions as well as the Colonies?—Yes.

14,521. Therefore, I suppose, it would be fair to conclude that the Secretary of State for the Dominions would hardly have been likely to fall into the use of loose language?—It is impossible to generalise about the holders of political office.

14,522. May I read what you said? It was at a dinner given by the Empire Development Parliamentary Committee to the Prime Ministers of the British Dominion Governments and representatives of India who were then over here for the Imperial Conference?—Yes.

14,523. You said "There was another great part of the Empire represented at that gathering which had not yet become a Dominion, but which moved forward under the Montagu Scheme in the work which began with Lord Morley, and was continued by Lord Chelmsford towards a great Dominion status. (Cheers)". You then went on: "India was now coming into our affairs and councils as a partner, a powerful partner. We well knew how tremendous was the contribution which India made in the War in 1914, how, when there was no other means of filling a portion of the Front by men from any other part of the whole world, there came the two splendid Indian corps, who were almost annihilated in the mud and the shell fire of that terrible winter in Flanders (Cheers). We owed India that deep debt," and these were the words which interested me: "and we looked forward confidently to the days when the Indian Government and people" (I would ask you to note that) "would have assumed fully and completely their Dominion status"?—Yes.

14,524. Would it be fair to you to draw from that speech these conclusions. First of all, that, as you were speaking in 1921, and you were then looking forward confidently to this further development, that you evidently had in mind, something more than a ceremonial Dominion status that it might be argued

India had enjoyed through membership of the War Conferences and the like?—Well, with the great development of the Montagu-Chelmsford scheme as regulated by the Act of 1919, of course.

14,525. But that had taken place, had it not, before 1921?—It had taken place but it was in operation and was part of the facts and circumstances of the occasion.

14,526. Therefore, your meaning was that that having taken place, and that being the constitutional structure of the moment, you in 1921, as Secretary of State for the Dominions, were looking forward to the Indian Government and people attaining fully and completely their Dominion status under that?—No, I have set down in my paper in words which I could read again if you like, but I think would be tiresome, the exact view which I take of the use of this term "Dominion status," and I admit that it has been loosely used, and I regret that it should have been loosely used, and I do not except myself from the scope of any censures of that kind; indeed, I reproach myself if, in using this term, although I was only one of the Secretaries of State using this term, that I should have given rise to any misunderstanding and most particularly that I should have led other much more important people in quite different circumstances to make the same mistake on a far larger scale.

14,527. I agree, of course, but you would feel that any of those who might at any subsequent time have used the phrase could fortify themselves by the knowledge that they had been merely following the example set by one who at that time was very eminent?—No, I do not think so at all. I think the use of all these expressions must be judged by the circumstances of the time, the sounding board which makes them audible, the controversies which are in progress at the time, and there is no comparison at all with a statement of that kind (although I think it should have been phrased differently), made in those days immediately after this grant of the Montagu-Chelmsford self-government had been made, and statements on the same subject at a time when the whole of this constitutional field is being narrowly scrutinised, and to say nothing else after the Statute of Westminster, has altered entirely the whole character of what Dominion constitution and Dominion status imply.

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14,528. I read naturally with much interest what you had to say about the Statute of Westminster, and more particularly what you say in paragraph 5 about the distinction between "Status" as meaning rank and "constitution" as meaning functions. I suppose you would agree, would you not, that the Statute of Westminster affects functions rather than rank, to use your own phrase?—Both.

14,529. But your argument seemed to me to be that the Statute of Westminster, as you argue it, was mainly concerned with the question of function?—Of course, the concession of functions to a Dominion from the Central Government in the aggregate affects also the rank of that Government, and by the Statute of Westminster immense functions and rights have been conceded from the centre and assumed broadly by the self-governing Dominions, and those self-governing Dominions are, as a result of those increased functions, raised practically to the position of independent States.

Lord Irwin.] I do not want, of course, to lead you into a discussion of the Statute of Westminster.

Sir Austen Chamberlain.

14,530. May I put one question? Had not that position already been achieved by the Dominions when they were admitted really as India was (their independence was recognised when they were admitted to the League of Nations) to the Assembly of the League?—That is perfectly true, but the Statute of Westminster was extremely important, and it altered altogether in many respects the character of Dominion status, and, although in practice, that position had been fully recognised in regard to the Dominions beforehand, what had been the custom was now placed in the exact terms of a statute (a law), and has now become the law of the Empire.

Marquess of Reading.

14,531. India in the League of Nations was still subject to the Secretary of State, was it not; the Dominions were not?—I pointed that out.

Sir Austen Chamberlain.

14,532. All I meant was that they became separate international units?—Certainly. I do not think the Statute of Westminster altered very much, in fact, but it altered in form so far as the self-governing Dominions were concerned, the

whole position, the whole character of Dominion status, and from the point of view of India that became of the utmost consequence because rights of the Crown which were given away (rightly given away perhaps) by the Statute of Westminster, which had long been a dead letter and never used, and never could be used, were in fact vital and operative in regard to the relations between Great Britain and India.

Lord Irwin.

14,533. The only point that I wanted to have your mind about, Mr. Churchill, and I think it is a point on which we should agree, was that you would no doubt feel, as I should, that the special traditions of India to-day made it clearly difficult, if not impossible, to apply full Dominion status in the sense of function as distinct from rank?—I do not see anything to quarrel with in that.

14,534. I am only following out your distinction between functions and rank, and I was anxious to find a point on which you and I should agree, but if we are agreed so far I should have thought that we might have proceeded to the further agreement (this is the last thing I want to put to Mr. Churchill, if I may) which was this, would it be a correct deduction from his argument to conclude that his view might be that it might be quite proper to try and devise what a great many representative Indians have demanded, namely, a constitution, as the phrase went, based upon Dominion status, but adjusted to the special needs and circumstances of India, again pursuing your own distinction between rank and functions. Would you feel able to part with me in agreement on that?—I am not quite certain of the character of the jungle into which you are perhaps seeking to lead me. I would like to have it a little more clearly explored before I begin to plunge in.

14,535. I do not think I must take up the time of the Committee further. Perhaps if Mr. Churchill reflects upon his own distinction between rank and functions, he will come to the conclusion that there may not be very much between us?—Of course, if there were international conferences or if there were a great war, and conferences following upon it, India would be given at least the Dominion status and ceremonial recognition which India received in those days in the period of the War. Of course, that is so, but, in addition to that, there is this proposal to give this immense measure of



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Home Rule in the Provinces, and the two together undoubtedly constitute a general advance in the sphere of Indian Government.

Earl of Lytton.

14,536. Mr. Churchill, you were good enough to say that you had come here to try to help us, and I am sure all members of the Committee are grateful, being fully conscious of the difficulties of the problem with which we are confronted, and, in order that we may derive the fullest benefit from your help, may I ask you one or two questions about your objects, because if we get your objects clear we shall be better able to judge of your remedy. Would I be right in saying that you have two objects, firstly, to provide if possible against deterioration of administration beyond a certain point?—Yes.

14,537. And, secondly, to provide for a revocation of the transferred responsibility in the case of complete breakdown?—Yes.

14,538. They are your objects?—I think the second exists at present, unless you do something to take it away.

14,539. I wanted to remind you that of course that, in the existing Act, there are provisions for temporary breakdown. They have, in fact, as you know, been called into operation?—Yes.

14,540. But clearly the permanent revocation of any transferred responsibility would have to be carried out by an Act of Parliament, would it not?—Yes.

14,541. You are suggesting to the Committee, in order to provide against this possible gradual deterioration, a system of inspectors from the Central Government. Am I right?—Yes.

14,542. I want just to try to see how that would work. You have suggested that certain officials should make periodical visits and report on the character of the administration?—Of departmental administration?

14,543. Of departmental administration?—Yes.

14,544. Let us assume for the purpose of argument that those reports disclose some great maladministration?—Yes.

14,545. Or partial breakdown in a particular service?—Yes.

14,546. What would be the remedy?—The remedy would be that when the inspector went back to the Government of India, he would point out the lamentable state of affairs that had arisen, and the Government of India would enter into

communication with the local government, and would indicate that unless measures were taken to remedy this, some portion of the grant would be withheld.

14,547. But your remedy, in the first instance, would only apply to such services as were subject to central grants, and, secondly, it would be limited by the withdrawal of the grant?—That is perfectly true. It is not an arbitrary overriding or tyrannous power. It merely withholds a certain sum which most well-conducted departments and well-conducted provinces would be anxious to earn by good administration, and it is quite possible that the mere suggestion of that would lead to the necessary improvements being made and avoid the breakdown; but the power would be there.

Lord Hardinge of Penshurst.

14,548. You said, Mr. Churchill, that only if the Provinces received funds from the Central Government, would inspectors have a *locus standi*. You said that, I think. I understood you to say that?—Yes.

14,549. But, surely, would not the Central Government in any case, in your opinion, whether the provincial Governments received grants or not, have a certain responsibility if in one or more Provinces the administration had seriously deteriorated?—Yes, I certainly think so.

14,550. You do think that?—Yes.

14,551. Then, they would have, in your opinion, a *locus standi* even in Provinces where no grants were received?—Yes, but they would not have this extremely convenient and flexible instrument of a withholding or a diminution of a grant; they would not have that, but the responsibility I assert is inalienable and general.

Archbishop of Canterbury.

14,552. May I ask this, to be clear, because there has been in my mind a great deal of confusion so far in the discussion: Could Mr. Churchill make it quite clear whether he means his inspectors to inspect merely in the range of the grants in aid that are given, or whether he contemplates these inspectors examining and reporting upon the whole field of provincial administration, transferred subjects, and all? Will you make that quite clear?—In so far as your inspectors succeed in preserving an intimate and sympathetic contact between the Government of India and the admin-



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istration, to whatever extent they do that, in my opinion the White Paper proposals are relieved from a very serious blot, namely, the ignoring of responsibility, the washing the hands of responsibility, and, of course, I should like to see it applied as widely as possible, but, as I say, no doubt a sub-Committee could elaborate the method in which this could be done, the degree to which it could be applied in particular instances.

*Lord Hardinge of Penshurst.*

14,553. Then I presume, Mr. Churchill, these inspectors would be practically specialists?—Eminent Indian and British Civil Servants

14,554. I mean specialists as regards, we will say, the Woods and Forests or Education; they would be specialists?—Yes, certainly.

14,555. Therefore, there would only be a certain number who would tour India; that is your idea, is it?—Yes, that is my idea.

14,556. I suppose very much like the inspectors of the Imperial Service Troops that visit all the States?—Yes.

14,557. That is what I want to get at?—Yes, certainly.

*Earl of Derby.*

14,558. I want to ask you one question on No. 10. You speak of deputies. Would those be British or Indian deputies?—Certainly, in my view, they should be British; the Governor should have at his disposal a British colleague at his side, but, of course, that is a matter which lies within the power of the Secretary of State. I should not contemplate putting that in an Act of Parliament. I do not think you ought to draw a line which imposes a barrier against any of His Majesty's subjects rising to any position under the Crown, but, in practice, and while these matters are in their experimental stage, I should think the House of Commons would hold the Secretary of State accountable if he did not give the Governor a British deputy at his side.

14,559. And they would be responsible, not to any Provincial Parliament at all, but simply directly responsible to the Governor?—Yes, certainly. They would sit in the Council with the Governor, but they would not be removable by the vote of the Assembly.

*Marquess of Reading.*

14,560. Did you say that they would sit in Council with the Governor?—I presume they would take part in the discussion but they would not be removable by the vote of the Assembly.

*Earl of Derby.*

14,561. And would only be responsible, as you say, to the Governor?—They would be responsible to the Governor, certainly.

*Earl of Lytton.*

14,562. Do you mean an irremovable Minister and Deputy?—I rather contemplated that. I thought the portfolio which dealt with these matters would be handed to him. I hope he would be friends with his Indian colleagues. In a matter like this, where the whole question of communal differences is so acute it might be desired by everyone that it should be in the hands of someone who did not belong to either one or other of the great creeds of India.

*Mr. F. S. Cocks.*

14,563. Mr. Churchill, would you agree that England's reputation for keeping her promises is one of the greatest factors in maintaining our prestige in the East?—I think as a general proposition that would claim universal applause.

14,564. You say: "There is no connection between 'Dominion Status' and 'Dominion Constitution'. Status means rank; constitution means functions. Rank and functions are entirely separate attributes." Has that distinction always been made by the Statesmen who have been promising Dominion Status to India?—I think it is a pity that it was not more clearly made.

14,565. Have you always made that distinction and used that term yourself, Mr. Churchill?—I certainly regarded the Dominion phrase when it was used as something which corresponded to what I had seen in the war and the peace of the representation of India, and I was anxious to clothe it with more reality by the steady progress in self-governing institutions in India, but I had not contemplated at any time that it is worth while for human beings to foresee India having the Constitution of Australia or Canada or the Irish Free State.

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14,566. But in a speech that you made at Waltham Abbey in July, 1930 you said this "No responsible person supposes for a moment that the forthcoming Round Table Conference can produce Dominion status for India or that Dominion status is likely to be obtained for India in the lifetime of anyone now living." In that passage you are not making the distinction you have referred to?—I ought to have used the phrase "Dominion constitution" there. It is clear that that is what I meant.

14,567. There is another passage which I might quote, Mr. Churchill. You said in the House of Commons: "Now that they had before them the actual legal provisions of Dominion status, was there anyone who did not see the folly and the wrong of declarations that excited the hopes of the Indian political classes that, after a brief period of transition, full Dominion status would be conferred on an Indian Legislature." In that passage are you not attributing functions to status?—Certainly. I, like others, have used that phrase loosely, but I have always drawn the distinction that the Dominion status applies mainly to the kind of representation which India has had in the Imperial War Cabinet and at the Peace Conferences.

14,568. What I mean to say is, has this special distinction which is made in your Memorandum ever been made before?—I made it at great length in the House of Commons two years ago at the beginning of the present Parliament.

14,569. But after those other statements which I have quoted do not you think that if this Committee based its proposals on what I call almost a last minute distinction the Indians would feel that they had been misled by verbal chicanery?—I think that, of course, very great responsibilities rest upon those who have been actually responsible for the government of India who, knowing what questions were rife, made declarations of that character, knowing well the circumstances which raged about them, and especially after the whole character of Dominion status and Dominion Constitution had been permanently changed by the Statute of Westminster.

14,570. Passing from that phrase to the other phrase which is often used, namely, "responsible government," do you agree that the Indians have been promised responsible government?—There is a considerable history around

the use of that phrase with which many Members are no doubt familiar, but I certainly mean that great, real, wide functions should be entrusted to the Indian Provinces with a real responsibility.

14,571. Are you familiar with the concluding statement in the Montagu-Chelmsford Report on Indian Constitutional Reforms?—I have not it in my mind at the moment.

14,572. If the Committee will allow me, I will just read this passage, because I think it is rather important. It says: "Our conception of the eventual future of India is a sisterhood of States, self-governing in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a central Government, increasingly representative of and responsible to the people of all of them; dealing with matters, both internal and external, of common interest to the whole of India; acting as arbiter in inter-state relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire." I do not ask you whether you agree with those sentiments, but do you not think that a Report of this character is likely to give to the Indian people a feeling that they have been promised self-government?—I consider that all that is governed and, as it were, summed up in the Act of 1919, including the Preamble—especially the Preamble—and Section 41.

14,573. You say in your Memorandum that "racial and religious divisions in India are more numerous and far more deep than those which rend Europe". On second thoughts, do not you think that is a little overstating it?—No, I am sure it is not.

14,574. Could you imagine the President of the German Reich having a French Prime Minister, or vice versa? I am asking you that because are you aware that in some Indian States you have a Muhammadan Prince and a Hindu Prime Minister and vice versa?—Well, it is a matter of opinion, of course. You are comparing very large and vague propositions one with the other, but I believe myself from all I have heard from people who have great knowledge that the racial and religious divisions in

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India are more grievous than those which exist in Europe at the present time, although, happily, owing to the peace which is established and maintained by the British Government they do not lead the different races and religions of India into the same dangers of war and bloody violence as occur in Europe. You have that Central Government, and it is the weakening of that Central Government which will release these racial and religious divisions in India that I deprecate.

Sir Joseph Nall.

14,575. Mr. Churchill will be aware that the English have a Scot for a Prime Minister and have had a Welshman?—It is quite true, I am aware of it.

Mr. F. S. Cocks.

14,576. In spite of these divisions, however, Mr. Churchill, you are willing to allow the Provinces to have their own responsible Government?—Yes, in all circumstances.

14,577. But is not it in the Provincial field, where the disadvantages of all these communal differences are most strongly felt?—I am not underrating the danger of the experiment.

14,578. Would not these differences be less felt at the Centre with the Federal Government which deals with such things as railways, banking, internal waterways, irrigation, tariffs and so on?—I think that, while the Provinces are being placed upon an effective Home Rule basis, it is all the more indispensable that the Centre should be intact in order to repair injury and evils if they break out, or help a Province which gets into great confusion, or, if necessary, arrange for the resumption of the powers which have led to the trouble.

14,579. In paragraph 16 you say that if the Provinces were given Home Rule it should be made clear that this is for a long period?—Yes.

14,580. You also say that: "No limits can be assigned to the progress of any portion of the King-Emperor's Dominions," and in paragraph 13 you say: "Indeed, if Indian statesmen and politicians could present to the world the spectacle of a number of great countries, competently, efficiently and loyally administered, the binding together of these units, if they desired it, in a Federal Authority could never be restricted in

British public opinion." Do not you see some slight inconsistency between those two statements?—I see none. In the first place, you have a broad step forward; in the second place, you have a clear time and a substantial time ensured for the wisdom or otherwise of that step to be tested. Thirdly, you preserve the Central machinery which, if there should be a serious miscarriage of our hopes, can intervene and restore the situation. There is nothing inconsistent in it at all.

14,581. But if these Provinces are efficiently administered is it possible to place such a bar as a long period to the march of these Provinces towards responsible government?—Not very long. You must have some time when you wish to create a great Home Rule Government, and they have to grow up and people have to habituate themselves to it and the parties which form themselves under any form of electoral machinery and their organization all begin to associate themselves with the voting masses and people get interested in the management of the great services and their working. Why is there such extraordinary haste needed? Why should not a long period (I say a long period; certainly more than ten years) be allowed to see whether this will work or not; and why is it inconsistent with asking for such a period to say that when it is found, and if it is found, these Provinces are thriving, contented, prosperous and progressive States, well administered and governed as well as they were, or let them if they wish to join together in a Federal system? It would be an entirely different question which would be put before Parliament from that which it is to be confronted with at the present time.

14,582. Do not you think it might lead to another agitation such as took place after the Montagu-Chelmsford Reforms were carried out, for further powers?—I am afraid I cannot hear.

14,583. You are aware that when the Montagu-Chelmsford Reforms were embodied in the Government of India Act immediately an agitation developed for further powers?—Yes.

14,584. Do not you think the same thing might happen in the case suggested by you?—It will happen in any case, because no body in India that I know of accepts even the extreme proposals of the White Paper, nor, may I say, does

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the Constitutional Parliamentary Opposition accept it.

14,555. Do not you think the support given to British Administration at the present time by the Indian leaders—men of great influence, men of property and influence in business and finance—is of great value to the British Administration?—Certainly of the greatest value. It would have been impossible for us to have remained in India if we had not always enjoyed the ablest assistance and co-operation of a very large number of the best and most capable Indians.

14,556. You think it would be impossible for us to remain without their support?—At the present time there are only a comparatively small number of white officials in the whole place.

14,557. If the hopes of these people were shattered by the refusal of what they considered has been promised them, will not that make our administration in India very difficult if not impossible?—I do not think so. I do not believe that if you give Provincial autonomy now, subject to the reservations I have made, and you withhold a Federal responsible Government at the Centre until you see how it works out in the Provinces, the difference between that and the White Paper Proposals would lead to any general refusal on the part of Indians to take part in the Government of the country.

14,558. You think it is a mistaken idea that they would withdraw their support?—I do not consider that that is a likely contingency to arise.

14,559. Do not you think the bold course in politics is often the wisest one?—That is quite true, but circumstances alter cases. Every case must be judged on its merits.

14,590. Was it not so in South Africa?—There is no sort of analogy between South Africa with its small white population and very large Kaffir proletariat—there is no sort of parallel between giving institutions to that small white population and giving similar institutions to the India of to-day.

14,591. I was only suggesting that as a bold course was successful there, although prophecies were made that it would be a disaster, a similar course might be applied to India with success?—Boldness in one place is rashness in another.

Lord Snell

14,592. Just a few short questions for the purpose of clarification. In paragraph 6, Mr. Churchill, you suggest that an Indian Constitution was not even thought about 10 years ago, it was not contemplated 10 years ago?—It is my belief that none of those who were responsible for the Montagu-Chelmsford Reforms contemplated a Constitution like that of Australia or Canada for India in any period which it was necessary to consider.

14,593. You would not agree that during the last 10 years very vital changes have taken place in the outlook of the Indian people?—Very vital changes have taken place in the outlook of every country all over the world, but a great many of those vital changes have not at all taken the form of extensions of democratic electioneering and representative institutions; they have taken exactly the reverse form.

14,594. Considering that those changes have taken place, would it not be wise statesmanship to take account of them at the present time?—Certainly, you should take account of every relevant fact.

14,595. In paragraph 8 you say that the Government of India is mainly an administrative problem?—Yes.

14,596. May I suggest to you that a considerable part of the problem is psychological and religious as well as administrative. Would not you agree?—Yes; certainly, a large part.

14,597. And that therefore the hopes and the expectations of the Indian people have to be taken into account as well as the difficulties of administration?—Certainly, but we must be careful lest in indulging hopes and expectations which would gratify the Indian people we do not lead them into a situation where very great suffering will be brought upon them.

Major Attlee.

14,598. I would like to ask you one or two questions about your proposal for an Inspectorate. I take it there would be a number of inspectors each with his own special technique, education, irrigation, forests, and so forth, whatever they might be?—Obviously there would have to be.

14,599. Each one of them would be interested in maintaining a certain standard?—I will not say maintaining

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but helpfully working towards a certain standard.

14,600. As a former Chancellor of the Exchequer you are aware that Ministers of spending Departments each think their own subject of the greatest possible importance and want money for it?—Yes, that is so, not only the spending Departments.

14,601. And it is the part, is it not, of Government, and especially the Chancellor of the Exchequer, to decide between these rival claims in accordance with the policy of the Government of the day?—Yes.

14,602. Will not your inspectorate take away that power from the local government, because where they may want to spend more on irrigation and less on education, your education expert may be utilising his reports at the Centre to force them to spend more on education?—Of course, there are differences of opinion which arise which are adjustable in discussion. They naturally must be thrashed out in discussion.

14,603. It is the working out that I wanted to get at of these proposals. It is not difficult to set down proposals but it is difficult to make them work. Had you not already in the Provincial Constitution got an instrument of the Central Government to see that things are kept right, in the Governor of the Province?—Of course, there is a great tendency to shuffle off all difficult problems by saying, "The Governor will look after that" or "The Viceroy will look after that," and I am bound to say that I think it would be much better that there should be a lower contact between the Central Government and the Provincial Administrative Departments than the general supervision of the Governor and his contact with the Viceroy.

14,604. You would agree, would you not, that the Governor's task is going to be very difficult and responsible and he would have to have a high status to carry it out?—Tremendously difficult.

14,605. Then you are going to subject him to the reports of peripatetic inspectors which in effect will report that he and his government are not doing their job. Would that enhance his importance?—If there is a great scandal it is better that it should come out even if it added to the difficulties of the Government, because obviously, he is not discharging his duties if his Province

has fallen into a great state of administrative disorder.

14,606. I gather you base this need for an inspectorate on canons of financial rectitude in that where money is provided by a grant-in-aid, there should be means taken to see that it is expended properly on behalf of those who provide it?—Yes, I think so. I think that is what you may call the main line on which my argument proceeds.

14,607. Then I take it during the first 5 years of the Montagu-Chelmsford Reforms in which the Central Government was supported by subventions from the Provinces, you would have given the Provincial Council some right to have some say in the expenditure of the Centre?—I beg your pardon.

14,608. You are aware that during the first five or six years after the Montagu-Chelmsford Reforms, the Central Government was supported by grants-in-aid from the Provinces, so I take it by your canons the Provinces should have had some control over the expenditure of the Centre?—I think that is not a point of real substance.

14,609. I was wanting to see whether it was really financial rectitude that impelled you to make the suggestion?—It is to me quite an ingenious point.

14,610. One last point, and that is with regard to the absolute need for an interval between the Provincial Constitution and the Federation. What do you base that on?—I should have thought logic, common sense, prudence, experience of the world, the example of every Federal System that has ever been brought into play, but there may be other reasons too, which have not occurred to me.

14,611. I gather you think that the Central Government is at present very strong?—It ought to be very strong.

14,612. Do you think it is as at present composed?—I am bound to say it seems to me that it works all right. In spite of all this constitutional uncertainty and in spite of what I consider were mistakes which were made, with the best intentions, nevertheless peace and order have been completely restored very largely over India, and that without the shedding of blood, except in communal riots, with which the Central Government was not concerned, and happily, without the use of the British Army, which it is always the prime object to keep out of hostile contact with the Indian people, and that

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has been done by a Government in a most sober manner without anything violent being done, but of course, with special ordinances and so on. I do not see where there has been a breakdown in the power of the Central Government at all, or in the efficiency of its working. There may be a difference between the Central

Government and the Assembly, but the Constitution contemplates that there shall be differences between the Assembly and the Executive, and the Assembly is there to express its criticisms of the Executive, like the American Congress is there to express its criticisms of the President's actions.

Ordered, That this Committee be adjourned to to-morrow at half-past Ten o'clock.

### DIE MARTIS, 24<sup>th</sup> OCTOBRIS, 1933.

#### Present:

Lord Archbishop of Canterbury.  
Lord Chancellor.  
Marquess of Salisbury.  
Marquess of Zetland.  
Marquess of Linlithgow.  
Marquess of Reading.  
Earl of Derby.  
Earl of Lytton.  
Earl Peel.  
Lord Middleton.  
Lord Ker (Marquess of Lothian).  
Lord Hardinge of Penshurst.  
Lord Irwin.  
Lord Snell.  
Lord Rankeillour.  
Lord Hutchison of Montrose.

Major Attlee.  
Mr. Butler.  
Major Cadogan.  
Sir Austen Chamberlain.  
Mr. Cocks.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Isaac Foot.  
Sir Samuel Hoare.  
Mr. Morgan Jones.  
Sir Joseph Nall.  
Lord Eustace Percy.  
Miss Pickford.  
Sir John Wardlaw-Milne.  
Earl Winterton.

The following Indian Delegates were also present.—

#### INDIAN STATES REPRESENTATIVES.

Sir Akbar Hydari.  
Sir Manubhai N. Mehta.

Mr. Y. Thombare.

#### BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan.  
Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Mr. A. H. Ghuznavi.  
Lieut.-Colonel Sir H. Gidney.  
Sir Hari Singh Gour.  
Mr. M. R. Jayaker.

Mr. N. M. Joshi.  
Sir Abdur Rahim.  
Sir Phiroze Sethna.  
Dr. Shafa'at Ahmad Khan.  
Sardar Buta Singh.  
Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

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[Continued.]

The Right Honourable WINSTON SPENCER CHURCHILL, C.H. (a Member of the House of Commons), is further examined as follows.—

Mr. Morgan Jones.

14,613. Mr. Churchill, yesterday afternoon we discussed with you the first six paragraphs of your memorandum in some detail in which you argue that "Dominion Status" has a different connotation from that of "Dominion Constitution"—Yes.

14,614. When you delivered the speech to which Lord Irwin referred yesterday, may I take it that, speaking for the Government, you were using the words "Dominion Status" in the sense in which you now advance it?—I was not speaking for the Government in the sense of delivering any pronouncement. I was merely making what politicians often have to do, an ageable speech upon a festive occasion, and not in any way laying down a constitutional pronouncement. But I should not say that the distinction between "Dominion Status" and "Dominion Constitution" which I have drawn here, had appeared so clearly in my mind at that date as it has done since I have seen the misunderstandings which have arisen, but at that time I am quite clear that the Government of which I was a member did not contemplate anything like a Dominion Constitution like that of Australia or Canada for India within any time which reasonable men need take into account.

14,615. Mr. Churchill, I am concerned about your speech on that occasion because I have studied it in conjunction with other speeches of distinguished members of the then Cabinet?—Yes.

14,616. You were present when Mr. Lloyd George, who was then Prime Minister, addressed the Imperial Conference. I see from the "Times" that that is so?—Yes.

14,617. Mr. Lloyd George as Prime Minister, then used these words: "Important changes have been effected in India this year and India is making rapid strides," and I ask you to note the next few words, "towards the control of her own affairs." Those are Mr. Lloyd George's own words?—Very well.

14,618. To be perfectly fair, I will read the rest: "She had also proved her right to a new status in our councils. That status she had gained during the war, and she has maintained it during the peace, and I welcome the representatives of India to our great Council of the Empire to-day"?—I think that really

bears out very conveniently and clearly the position I adopt.

14,619. Does it?—He says that India is making great strides towards the control of her own affairs; that represented the Act of 1919 or the policy of the Montagu-Chelmsford reforms, and he also says as a separate thing that she has gained Dominion status in the war, which is that ceremonial status which I have described, in accordance with which India was represented at all the international and inter-Imperial conferences. But I may say that, as far as Mr. Lloyd George is concerned, he was the Prime Minister. He knows most about this, and it would be easier I think for you to cross-examine him on his words than me.

Sir Austen Chamberlain.

14,620. I happened to be a member of the same Government?—Yes.

14,621. And I entirely accept your statement of the interpretation that we all put upon these words at that time, except for your use of the word "ceremonial." Surely Mr. Lloyd George meant to convey something more than a mere ceremonial change when he spoke of the new status which India had attained in our Councils by becoming a member of the Imperial War Cabinet, and, after the peace, of the Imperial Conference?—I agree that the word "ceremonial" goes beyond what is actually correct. I was using the word "ceremonial" rather in contradistinction to the idea of a full Australian or Canadian constitution, but it would not be just to the position which India occupied in the Imperial and War Conferences, to assume that it was of a purely honorific character. There was a reality about it.

Mr. Morgan Jones.

14,622. May I, Mr. Churchill, put this point to you? There is the speech of Mr. Lloyd George as Prime Minister. There is your own speech to which Lord Irwin referred yesterday, and may I remind you that in your own speech you spoke pretty specifically in the last sentence in this way: "We owed India that deep debt, and we looked forward confidently to the days when the Indian Government and people would have assumed fully and completely their Dominion Status." Whatever may have



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been in your mind, Mr. Churchill, and in the mind of Mr. Lloyd George, would not you agree with me that the effect of the use of those words was to create in the mind of Indian people, the intelligentsia like others, that India was committed to following along the path of Dominion self-government?—I was not speaking *in vacuo*.

14,623. No?—I was speaking upon the basis of the Act of 1919 and other circumstances

14,624. Quite so?—We had made a very great advance in the principles of self-government in India, and we had also side by side with that this Dominion Status which India gained in the War, and I was speaking with all those facts present at the same time. Any hopes based upon these remarks by an individual member of a Government, not making a pronouncement of any kind, and not taken as a pronouncement of any kind, must have been and ought to have been adjusted and corrected by reference to the legislation which Parliament had just passed, and the words of clause 41 which were present in everyone's mind, and which were the basis upon which we spoke and acted.

Mr. Morgan Jones.] In addition to the speech which you made and which Mr. Lloyd George made, there was a speech by Sir Austen Chamberlain, then Mr. Austen Chamberlain, in the House of Commons, in which he used these words: "We found the equality of all the Members of the Empire within that gathering fully and absolutely recognised. We found India, the last to reach us, sitting on terms of equality with the other Dominions of the British Crown." There again, Sir Austen will have his own interpretation of that speech. I am concerned with the effect of these cumulative declarations upon the Indian mind.

Sir Austen Chamberlain.] Mr. Morgan Jones did not give me notice that he was going to refer to my speech.

Mr. Morgan Jones.] I beg your pardon.

Sir Austen Chamberlain.] I have not had an opportunity of looking it up myself, but from the quotation which he has read, it is clear that I referred to the existing position, and that I was not making any sort of promise or pledge, or holding out any sort of expectation for the future.

Mr. Morgan Jones.] I quite recognise Sir Austen is entitled to say that

he had a particular interpretation of his words in his own mind. I quite accept that.

Sir Austen Chamberlain.] I do not think that is a fair way of treating it. I say it is plain on the face of it that I referred to something which had already been done and not to something which remained yet to do.

Mr. Morgan Jones.] I accept that.

Sir Austen Chamberlain.] Thank you.

Mr. Morgan Jones.] In addition to that, there was the declaration made on behalf of the Government, doubtless in words presented to him by the Government, by the Duke of Connaught in India at the Durbar of that year. I was saying that, in addition to these declarations of Ministers at home, there was the further declaration by the Duke of Connaught himself on behalf of the Government in words doubtless presented to him by the Government at the Durbar. I quote them from a previous page of this report.

Sir Hari Singh Gour.] That is the opening day of the Legislative Assembly.

Mr. Morgan Jones.] That is right.

Marquess of Reading.] The beginning of 1921.

Mr. Morgan Jones.

14,625. When he opened the Legislative Assembly: "For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj for their Mother-land. To-day, you have the beginnings of Swaraj (self-government) within my Empire, and widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy." Mr. Churchill, the point I wish to put to you is this. Is it an unfair suggestion to make that the cumulative effect of all these pronouncements upon the Indian mind was to create the belief that they were entitled to look forward at some future time to the acquisition of Dominion Self-government?—Constitution?

14,626. Yes?—I consider that all these pronouncements of that time were governed by the words of Section 41, Sub-section (2), of the Act of 1919, and particularly by the sentence that after 10 years a Commission ought to be appointed to report "as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict, the degree of responsible government then existing therein, including", etc., and it seems to me that the definite words

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of a statute which was actually being carried into operation at that time formed the only solid basis on which expectations could be based.

Lord Irwin.] May I interject: Mr. Churchill refers very often to Section 41, but in my copy of the Government of India Act, Section 41 merely deals with procedure in cases of difference of opinion.

Sir Hari Singh Gour.] It is Section 84A of the Government of India Act.

Lord Irwin.

14,627. I understand it was Section 41 in the old Act, but it is now Section 84A?—I am not so sure about that.

Sir Hari Singh Gour.] Yes, it is Section 84A.

Marquess of Reading.

14,628. If you have in mind the appointment of the Statutory Commission, within 10 years, it is, under the new enumeration of the Sections, Section 84A as suggested?—Part V, Statutory Commission, Clause 41.

Sir Hari Singh Gour.

14,629. No, it is Part VIA. That has been worked into the Government of India Act, and is now numbered as Part VIA?—I think I took it from the statute in Parliament here.

Marquess of Reading.

14,630. It is only a change in the numbers of the Section?—I am referring to the English statute, and you are referring to the Indian statute.

Sir Hari Singh Gour.] No, I am referring to the English statute.

Earl of Derby.] It has been renumbered.

Marquess of Reading.] There has been a codification of the various statutes.

Sir Austen Chamberlain.] There is no dispute about the words.

Sir Hari Singh Gour.] You are referring to the amending Act?

Marquess of Reading.

14,631. It does mean what you say. I have it before me, and it is Section 84A?—And it is the exact words which I read.

14,632. That is right?—There has been some renumbering.

Sir Hari Singh Gour.

14,633. You are referring to the amending Act, and this is the Consolidating Act?—I am so glad that our differences

on this point are only reduced to a matter of numbering.

Mr. Morgan Jones.

14,634. I am sorry to spend time in pursuing this subject. I have not had an answer to the question. Do you agree it would be a fair thing to say that the effect of all these pronouncements upon the Indian mind would be in the direction I indicated?—I do not think so. I think one must admit that the language used was not carefully enough considered by many people who used it at that time, and who spoke around the general policy of the Government as Ministers have to do, and there were, as you say, the Duke of Connaught's words, but it is perfectly clear that in the minds of the Indian political classes, the definite provisions of Section 84A were the ruling factor, and if that had not been so, why would it have been necessary for Lord Irwin when Viceroy to make his declaration (a very much more crucial declaration) on the subject of Dominion Status, and why was that expected to produce such a great effect, if as you are arguing, the whole matter had already been prejudged?

14,635. I am not suggesting that any definite pronouncement in set terms had been made by the Government. I am merely suggesting that the effect of these speeches, using this language—and I gather you agree—tended to give the Indian people a feeling that they were on the high road to the achievement of dominion self-government. Whether they were right or wrong is neither here nor there for the moment. You have referred to Section 84A?—Yes.

14,636. I think you attach a good deal of importance to the word "restrict" which appears in that paragraph. You did so, if I remember rightly, in a speech in the House of Commons on a previous occasion?—Yes; I did.

14,637. But you would not argue, would you, that Section 84 precluded the Simon Commission, as we call it, when it was ultimately appointed, from suggesting enlargements of the scope of self-government?—The Statutory Commission was entitled to propose an arrest at the point which we had reached for the time—a further arrest, or an advance, or a restriction for the time being, though I consider that we are, of course, pledged continually to endeavour to increase self-governing institutions throughout India,

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but the time and manner rest at present with the Imperial Parliament.

14,638. Quite. In between the time when you gave up office in 1921 or 1922, as the case may be, until the time when the Conservatives have been out of office in 1929, neither you nor any other leading Member of the Government made any speech, as far as I can find, which might have corrected the impression of the Indian people concerning their ultimate destiny in the matter of Constitutional rights?—I cannot remember all the speeches which I made

14,639. I have been very carefully through your speeches but I cannot find one?—But all that was governed, as I say, by the Statute which provided for a Commission to go out and we were to await the Report of the Commission before any new declaration was made. Unfortunately, that course was not adopted and a prejudicial announcement was made which had disastrous consequences upon the work of the Statutory Commission as you know.

14,640. May I turn from that side of the discussion to another. Might I ask you what is your view of the operation of the Services that have been transferred under the operation of the Montagu-Chelmsford Scheme?—Of course, I speak in the presence of gentlemen and noblemen who are far more capable of judging, and I can only give you the impressions I have received from discussing these matters over the last five or six years with persons who are in the best position to know, but I must say I think it would be going too far to say that it had been a complete failure; but, on the other hand, there has been a sensible deterioration in many of the Services. I remember being particularly struck when a very high authority some years ago was speaking to me of the deterioration in the agricultural sphere; there had been a great deterioration. I believe in forestry I am right in saying that there was some setback there. But still I would not blame the Statutory Commission because there has been some slight deterioration and they did not recommend a definite restriction. I think, as I say, that some deterioration must be accepted if you can on the other side gain those psychological advantages which one of your colleagues referred to yesterday; but it is a question of degree entirely.

14,641. Would you agree, Mr. Churchill, that the deterioration, where it is to be found, is to be found more in the realm of Services that have not been transferred than in that of those that have been?—I beg your pardon.

14,642. Would you agree that the deterioration that is to be found in India, where it is to be found, is more apparent in the Services that have not been transferred than in those that have been?—No; I have not heard that.

14,643. Let us compare it for a moment. Would you suggest that the deterioration in the agricultural sphere is as pronounced as it is said to be in the realm of the Police control?—Of course, it is really a matter where you should call persons who have seen those two Services at work on the spot, but the impression which I have generally derived is that the Police, under extraordinary difficulties, amazing difficulties, have succeeded in maintaining a very high degree of peace and law and order by amazing patience and wonderful discipline, considering all the undermining ideas to them which are going about, without any serious or painful episode occurring, and I have been rather filled with admiration at the conduct of the Police during these trying years. Nothing in the way of terrorism or brutality but patient handling of crowds, often suffering themselves. I certainly have not heard of anything else at all.

14,644. I am not suggesting a criticism of the Police in any way?—No.

14,645. But I am comparing the two spheres of activity?—Yes.

14,646. And I still ask, would not you agree with me that there is a greater measure of deterioration, so far as there is deterioration at all, within the realm of Police administration which is not transferred as compared with the administration of agriculture or forestry which have been transferred?—Well, Mr. Morgan Jones, I am afraid I must leave you to make that assertion on your own authority.

14,647. You have nothing to disprove it?—I am not able to support you.

Sir Austen Chamberlain.] We have heard no evidence to support the charge of deterioration.

Mr. Morgan Jones.] Exactly.

Marquess of Reading.

14,648. I did not think Mr. Churchill had suggested it. I was rather trying

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to understand the question for that reason. As far as I understand from Mr. Churchill, he had not said that there was a deterioration of police control?—No. I agree with Lord Reading.

*Mr. Morgan Jones.*

14649-69. No, my Lord Chairman. in fairness I must put my question again. I am not suggesting that Mr. Churchill is urging deterioration in any sphere. What I am asking is whether Mr. Churchill can show that there has been greater or less deterioration within the realm of the transferred services than in the non-transferred services; I merely gave police and justice as an illustration; that is all. However, there it is. I will not press that point further. Now the next question I want to ask you, Mr. Churchill, is this—Would you not agree that it would be a wise course for the Indian people themselves to be placed in charge of the responsibility of administering the police service rather than that it should be handed over to a Governor or Deputy Governor, as you suggest, upon whom the blame can be put from time to time in a responsible kind of way?—No. I take exactly the opposite view, as I have already made plain. I think that although there might be occasions and Provinces and personalities which would render it possible for a Minister responsible to a Provincial Assembly to be in charge of the police, those occasions and conditions will very rarely occur—perhaps hardly occur at all at the present time—and that having regard to the communal tension, the religious tension, between the great creeds, the handling of all the maintenance of law and order in the Indian cities and districts is enormously facilitated when it is in the hands of an authority, of an individual, to whom both Muslim and Hindu can look with certainty that he is not swayed in the direction of either the one community or the other.

14,670. What do you mean, Mr. Churchill, in paragraph 10 by the phrase, "the control of the Judiciary"?—No control in the sense of biasing their fair judgment on the legal and equitable issues transferred to them; but that sphere, the Courts, have always been linked with the police in all questions of transfer, and I am of opinion that the existing system should be preserved at the present time.

14,671. Will not your Provincial self-government, if realised, seem somewhat an empty thing if the Government of the Province has nothing to do with the appointment of its Judges, the appointment of its police, and those who are responsible for the administration of law and order?—I do not think it would be an empty thing when such vast responsibilities for the life of the people, all their social and cultured conditions and their hygienic wellbeing, are entrusted to Cabinets responsible to elected Assemblies, even if some powers are reserved. If I were to examine the proposals of the White Paper at the centre from the point of view of reservation, it might be possible to make just the same kind of suggestion: what will there be left when you have taken away finance, the Army, foreign affairs and emergencies of all kinds and so forth? It might well be very easy to argue that, but it is much less arguable in the Provinces where an immense sphere is open to Indian gentlemen and politicians of ability.

*Sir Hubert Carr.*

14,672. Mr. Churchill, may I ask you with reference to paragraph 9 of your Memorandum in which you say: "It is common ground between us all that we should make an experiment," and in paragraph 10 I gather that the scheme put forward is a concession you would make to the Indian political classes which you refer to at the end of paragraph 9? I was wondering whether if you were recommending what you really thought was the best, would it bear any resemblance to the scheme you have put forward, or have you trimmed your own ideas very carefully to make the concessions to the Indian political classes?—I will put the best construction I can upon that question. I cannot say that I believe this movement into the establishment of the democratic electioneering system in India on the Western model is likely to carry with it any sensible improvements to the life of the Indian people or to the smooth working of the Government. I cannot say that. If that issue stood by itself I should have been glad to see no further step taken at this juncture, but in deference to the strong opinion which has been expressed and the strong desires which are put forward, I have felt it my duty to try to move forward in my mind as far as possible without laying the Indian masses open to

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[Continued.]

very grave evils. But you can hardly call that trimming. It is what you may call taking a just view of all the questions.

14,673. That is, I suppose, what everyone is trying to do, and speaking for our own community in India they do take a very different view from that which you take. I could not go into all the details which have already been raised as to statements in the past which have encouraged the hopes of India?—May I ask whom you represent, Sir Hubert?

14,674. The European community in India?—Do you represent them all?

14,675. I would not say every individual, but as a general "can't get any better" I do?—I am sorry I cannot send you my post bag.

14,676. As I say, I do not want to go into the previous statements made by Ministers, etc., but the statement made by the Prime Minister on the 1st December, 1931, is one which our countrymen in India, even in spite of your post bag, look upon as a very definite indication of what Parliament intends to do for India; and could it be suggested that your scheme put forward here could in any way meet the desires of the political classes taking into consideration the fact that those desires have been affected by this declaration to which I refer?—Of course, I dissented at once from the Prime Minister's statement, but we were assured in Parliament by no less a person than Lord Hailsham leading the House of Lords that the committal was not of an extreme or decisive character; that it was a committal to enquire and examine and to send out Commissions to report, and that the House of Lords would be perfectly free to form its own judgment afterwards without being prejudiced by the vote which they passed then. I have seen it stated, it is true, by Sir John Thomson that statements in the House of Lords which were not repeated in the House of Commons have not got ordinary Parliamentary validity, but that is an entirely new doctrine which I have certainly not been taught to accept.

14,677. I would not wish to follow that; but take the statement which you will find at page 5 of the Proceedings of the Indian Round Table Conference, and recall that that was made by the Prime Minister to the representatives of the Princes and of British Indians. It is a little difficult, I think, for anyone out

there to realise that this was only a statement subject to the approval of various individuals in Parliament?—But I have received across the floor of the House of Commons on other occasions from the Secretary of State quite recent statements that we are not committed.

14,678. Supposing you are not committed, even then what I am wanting to know is whether you think your scheme would achieve what you say "Nevertheless in all the circumstances, and if it is earnestly desired by the Indian political classes, it should be given a trial"; would your scheme go any way to stop that agitation which you deplore in paragraph 15 and which all of us living out there deplore?—No one can say what will stop agitation, and I am not sure that agitation is a bad thing. Governments are nearly always agitated by criticism. But having regard to the statement of Lord Hailsham and having regard to the statements of the Secretary of State and the other statements which have been made by Members of the Government who are ardent supporters of this policy, I conceive that a private Member of Parliament is entitled at the present time to apply his mind to the problem on the basis that we are not committed beyond the Act of 1919, and from that point of view the proposals which I have put forward are those which seem to me to be the best and the wisest amid all the difficulties of this problem.

14,679. In fact that seems to me to come to this, that the backward East is living in 1933 and that this country in carrying out its legislation is to live in 1908 or 1918, because as far as India is concerned in the record such as you are referring to I do not believe, and I think none of our countrymen would believe, that can remove the impression which has been given, and that is that Parliament now is going to consider giving a very marked increase in the responsibility of Indians for the government of their Provinces?—I think that the proposals to establish responsible Cabinets, in the Provinces and to set up Provincial government, even if the reservations were made about the police, do constitute a very great advance, but I must take the strongest exception to the argument that we are committed in view of the solemn assurances that we have repeatedly received to the contrary.

14,680. May I pursue that a little further, about this marked increase that

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you are contemplating. Take your Inspectorate, Mr. Churchill. You speak about it, I think, in paragraph 12. You say: "All they could do would be to recommend to the Government of India the reduction or withholding of Government of India grants in cases where there had been a serious failure." Inspectors cannot work as a kind of hydrant service and only whistle when a breakdown occurs. If all these experts who were spoken about yesterday go round looking at the various fields of activity they obviously are going to try to insist upon their standards being kept up long before there is a breakdown. I would suggest to you that such an Inspectorate would lead to continuous and continual interference with the government of the Provinces?—Well, your view on that point is valuable.

Sir Hubert Carr.] I am very content with that. I think I cannot stop at a better place.

Dr. B. R. Ambedkar

14,681. Mr. Churchill, the White Paper does not propose to establish Dominion Constitution?—No.

14,682 Therefore I do not propose to trouble you with any questions with regard to the logical and metaphysical position, whether one could draw a distinction between Dominion Status as a ceremonial affair and Dominion Status as a Dominion Constitution. I propose to ask you just one or two questions with regard to the White Paper itself without confusing the issue by bringing in anything with regard to the distinction that you propose to make. May I draw your attention, therefore, to the debate that took place in Parliament on December 1st, 1931, when the Prime Minister moved the resolution; it was in these terms: "That this House approves the Indian policy of His Majesty's Government as set out in Command Paper No. 3972—Indian Round Table Conference—presented in Parliament on the 1st December, 1931"?—That is the first White Paper—not the full scheme? You mean the Prime Minister's speech?

14,683. The Prime Minister's speech?—Quite.

14,684. The Constitution 'adumbrated' in the White Paper which was presented to the House included in the main the proposals which are contained in the White Paper as it is presented to the Joint Select Committee. There was to be Provincial responsible government in the

Provinces with the transfer of Law and Order, and there was to be a sort of dyarchy at the centre, in which Defence and Foreign Relations were to be reserved subjects. Is that right?—I find no need to interrupt you at this point.

14,685. Then the next point I wish to ask about is this. The Prime Minister made his object clear in moving this resolution in the House of Commons. I am reading his words: "The statement which I made to the Round Table Conference yesterday had the full authority of the Cabinet, and we now wish, having communicated that statement to the House, to ask the House by its vote to associate itself with that policy." That was the object of the Prime Minister in moving this resolution in the House of Commons. Now, as you know, you moved an amendment to that resolution. That amendment was in these terms: "Mr. Churchill: I beg to move in line 3 at end to add the words, 'provided that nothing in the said policy shall commit this House to the establishment in India of Dominion Constitution as defined by the Statute of Westminster, provided also that the same policy shall effectively safeguard the British trade in and with India from adverse or prejudicial discrimination, and provided further that no extensions of self-government in India at this juncture shall impair the ultimate responsibility of Parliament for the peace, order and good government of the Indian Empire.'"

14,686. The impression that I have formed, after reading this debate that took place in the House of Commons on the 3rd December, 1931, was this, that if the Prime Minister had accepted your amendment you were willing to vote with the Government in support of the resolution moved by the Prime Minister. Is that correct?—I think it very difficult to say what would have happened in these hypothetical circumstances, but, undoubtedly, it would have been a very great relief to the great mass of Conservative Members in the House of Commons if the Government had seen eye to eye with those who supported me in that amendment—a very great relief, and an altogether more agreeable atmosphere would have followed immediately and would have been created.

14,687. Fortunately for me, I do not think the matter is really hypothetical, because I find you have taken a very definite attitude with regard to your amendment in the course of that Debate,



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and I want to call your attention to one or two statements that you made in the course of your speech. I think the one fact, and the fact which has puzzled me, I must admit, is that, first of all, according to the impression of most Members then present in the House, there was really no distinction between what the Government was asserting and what you proposed to state in your amendment. Is not that so? Let me read a passage of yours. The point I want to make is this: A subject which has always puzzled me is this, that, having read the statement of the Prime Minister and the amendment which you proposed to move on that day in the House of Commons, I, at any rate, did not see any distinction, and that, I say, was your position as well, because I propose to read a passage which will make it clear. You say at column 284: "I have finished and I am most grateful to the House for permitting me to intrude for so long upon their attention. What can we do but to persevere with our amendment. It is not a vote of want of confidence in His Majesty's Government," and this is the important point, "On the contrary, it merely asserts the principles which they themselves affirm and which both the Prime Minister and the Secretary of State have affirmed." So you yourself really saw no distinction between the proposals as put forth in the statement of the Prime Minister and the substance of your amendment?—Of course, I thought it was unfortunate that the Government did not take your view of the proposal. I should have been very glad to get that amendment on the paper.

14,688. Let me quote another passage of what you said on the same day. You said your second alternative to the Government on that day was that if your amendment was not accepted you would be content to vote with the Government provided the pronouncement of the Prime Minister was accompanied by the speech of the Secretary of State that was made on that day in the House of Commons?—Yes.

14,689. My point is this: If that is your position, namely, that you were content to vote with the Government on that particular Debate, provided the Prime Minister's announcement was accompanied by the speech made by the Secretary of State in the House of Commons, what I wish to understand from you is this: What is the difference between the White Paper as it is

presented to this Committee and the statement of the Prime Minister combined with the speech of the Secretary of State? Could you give us any difference that you see between the White Paper as presented to the Committee and the pronouncement of the Prime Minister as interpreted by the Secretary of State in the House of Commons?—In the case of a difference which arises in a Parliament or in a House of Commons between two sides of a debate, it is difficult for outsiders to appreciate what that difference was unless they understand all the circumstances which influence and affect our Debates, but that there was a great and real difference between the amendment which I sought to have put upon the paper and the resolution which the Government passed over our heads is indisputable. There was a sharp difference. Each side naturally presents their case in the manner least likely to deter support, but the difference is there all the same and remains quite clear, and I do suggest to Dr. Ambedkar that, in justice to our Parliamentary institutions, he should remember that we still have a bicameral Parliament, and that the Debates in the House of Lords must be read in conjunction with those in the House of Commons.

14,690. If I may say so respectfully, I wish to understand your position alone, irrespective of the position of the House of Lords or other members of the Party. You stated definitely that you would vote with the Government, provided the Prime Minister's statement was issued in conjunction with the speech made by the Secretary of State. The point which I wish to submit to you respectfully is this: Do you see any difference in the White Paper as presented to the Joint Parliamentary Committee, and the statement of the Prime Minister as interpreted that day by the Secretary of State in the House of Commons. If there is, of course, you have every ground to differ?—I can assure Dr. Ambedkar that I have never been in favour of a federal system being erected at this time at the centre of India nor of transferring law and order in the Provinces, and nothing that I have ever said in this controversy is in conflict with that.

\* Dr. B. R. Ambedkar.] I have no more questions to ask.



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Mr. N. M. Joshi.

14,691. May I ask you a question on paragraph 5. You state, Mr. Churchill, in that paragraph "Constitutional questions scarcely at all enter the life of the people"—Yes.

14,692. Does primary education enter the life of the masses—the spread of the primary education?—Yes; I have no doubt so far as it can reach.

14,693. If the masses are told that during nearly 100 years of British rule in India the literacy has not gained more than 3 per cent., and if politicians tell them that under Indian self-government education would spread more rapidly, are they likely to believe that or not?—I am afraid I cannot form any opinion. You are in a much better position to form an opinion upon that point than I am.

14,694. As an ordinary case, if during 100 years people do not receive education, you will agree with me that people will become discontented with that Government?—No, I would not assent to that as a general proposition. Indeed, there are many instances in history to the contrary, that discontent has arisen after the spread of education.

14,695. Would you not agree with me that, on the whole, people want education? Even the poorest of the poor do not want their children to be without education when they know that the children of other classes have education. Do not the poor people want their children to be educated?—I think I may safely say that among educated people such a desire has often been noticed. I am quite ready to say that, of course, no doubt among educated people there is a desire that their children should be educated and, not only among educated people; but, if the suggestion is that the restricted spread of education in India in the last 100 years is due to the blighting influence of the British Government, such a statement appears to me to be entirely destitute of any connection with truth.

14,696. Suppose it is shown that, after the Montagu-Chelmsford Reforms, the rate of progress in education is greater than during the period which passed before, would you agree with me that the transfer of power has done more good to Indians than the British rule?—No, I certainly should not. There has been a very considerable advance in education, and the spreading of literary education,

of verbal education (of letters) all over the world in every country, and it is the British Government that has set up the system under the 1919 Act which has had these results which you approve.

14,697. True, but that Act transferred power to Indians, and, as a result of that, education spread more rapidly. Would you not, therefore, agree that the transfer of power has done the people good?—As I say, I am not prepared to say that the transfer of powers has been a complete failure. I think that would be going too far, although I think I did once perhaps express myself too harshly on that point.

14,698. You talk about deterioration in the Indian Services. May I ask you what is your exact meaning of that phrase?—"Deterioration"?

14,699. Yes. Does it mean deterioration in the personnel or in the services rendered?—Primarily in the services rendered.

14,700. So far as the transferred services are concerned, the rate of the spread of education is one of the tests of the services rendered?—Certainly.

14,701. Similarly, legislation passed to protect the agriculturist is another test?—No doubt. If it were effective and wise legislation, no doubt it would be an advantage.

14,701A. If it is found that during the period of the transfer of power after the Montagu-Chelmsford Reforms, more legislation is passed to protect the agriculturist against moneylenders, will you agree with me that the services have not deteriorated in one of the transferred departments?—Of course, these are, if I may say so with very great respect, such very vague questions that it is difficult for me to frame an answer. I think there has been a certain deterioration even under the existing 10 years trial, and I would expect a further certain deterioration in the future, but if it were kept within limits, I would face that, and, if by chance I were proved wrong, and an advance and an improvement occurred, then I should rejoice. That is the reason why I am so anxious that proper efficiency should be stimulated and helped from the Centre by an Inspectorate, because if thriving, progressive and peaceful communities are established under a Provincial Government, one of the great obstacles which prevent a further advance would be moved, and we could move forward along what is called the high road again.

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14,702. The point of my question was this. If, after the transfer of power without any Inspectorate the condition of the agriculturist and of the masses has improved, then there is no justification for the Inspectorate which you are proposing?—Of course, I do not take the view that it has improved. I wish I could.

14,703. That is your opinion, notwithstanding the passing of legislation for the protection of the agriculturist, which legislation was not passed previously?—In 10 years over a vast country, a certain number of good things are necessarily done, and I hope many wise things have been done, but, taking it for all in all, I think there has been a slowing down and a decline in the administration of the services that have been transferred. At least, that is what I have been told by those from whom I have been able to learn in this matter.

14,704. May I ask you one question about what you have been told by others: Whether they expected greater progress under purely British administration during these ten years?—I certainly do not want to be drawn into saying anything which would have a discouraging effect upon the efforts of Indian politicians and administrators when charged with responsible duties of administration to improve and develop the services and make a better life for the people. I do not want to be drawn into saying anything discouraging upon that, or to assume that I would regard it with an unsatisfied eye if we saw improvements.

14,705. Mr. Churchill, you have made a statement that the services have deteriorated?—Yes.

14,706. Will you tell us then why you say that the services have deteriorated? Will you give us some particular instance?—I think that is a matter really which the Committee should examine itself. Every member is just as capable of forming an opinion upon that. I give my opinion that there has been a sensible deterioration, but I also readily admit that there has been a great deal of good work done.

14,707. Has the Simon Commission reported that there has been a deterioration?—I do not remember. I do not think they did. But the Statutory Commission had a great many difficult questions to settle, and accusations of deterioration are not calculated to smooth the path of business or the way to an agreement. They may not have stressed

that point. However, it is really for the Joint Committee to make up their minds whether things have been better or worse, or whether they would have been better some other way. I have given my opinion. It is only one view.

Lieut.-Colonel Sir H. Gidney.

14,708. Mr. Churchill, you belong to a party that is called by some the Diehard Party, is it not?—No; I am not aware that there is any such party. It is an abusive term which is used by persons who are often found very ignorant of the real foundations of British power and strength.

Lieut.-Colonel Sir H. Gidney.] That is exactly what I expected you to answer, because I had intended asking you what exactly is the definition of a "die-hard," because, judging from the evidence you have given—

Earl of Derby.] Are questions of this sort of any use to us?

Marquess of Reading.

14,709. They cannot be of any use?—It is hard to see what use they can be.

Lieut.-Colonel Sir H. Gidney.

14,710. Mr. Churchill, you have stressed very much the difficulties and dangers of giving over government and what should be done during the transitional period. What, in your mind, would you fix as the transitional period?—You mean how long?

14,711. Yes?—You would have to say, Transitional to what? In my opinion, if we made the advance to which I have committed myself here at the present time, there ought to be an interval of certainly more than 10 years—I use the expression "certainly more than 10 years" as the most definite statement I propose to make here—before the question of Constitutional change in India is again reopened by the Imperial Government.

14,712. You mean is further advanced?—Certainly. Even reopened, I said, by the Imperial Government.

14,713. Another point you have stressed largely has been the employment of Inspectorates. Have you any idea what would be the total army of this Inspectorate or the total number?—I had in mind, perhaps, there would be 20 or 30 high officials, experienced men. Perhaps a few more would be required but they would be additional to the existing staff in India and give opportunities for a

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strengthening, as it were, of the administrative cadres, and they would tour around the Provinces and keep the administration of one Province in touch with another and keep the administration of all the Provinces in touch with the Centre and that in the main—although I do not admit it is the only ground on which they could base themselves—their influence would arise from recommendations they might make as to grants from the Centre. But I did that only with a view to helping the Committee to meet the accusation which otherwise can be made against the White Paper scheme that we are disinteresting ourselves in the fortunes of the Indian masses.

14,714. Have you any idea what exactly would be the cost of this Inspectorate?—Certainly it would not be anything like the cost of a great many other of the political proposals which are embodied in the White Paper scheme.

14,715. Who would pay for this Inspectorate—the Central or the Provincial Government?—As I should see it, it would be the Imperial Government—the Central Government.

14,716. For doing Provincial work?—But the Centre has an interest in the Provinces—a great interest.

14,717. Do not you not think that this would lead to a lot of friction between the Central and the Provincial Governments?—I do not think so, but a certain amount of friction would be better than having any very widespread breakdown.

14,718. Am I right in thinking that this suggestion of an Inspectorate is an alternative to a complete reservation of law and order, and that law and order and defence are your two main objections to the White Paper?—I am only speaking of the Provincial sphere. I am opposed to any important change in the Central sphere, but in the Provincial sphere the question of defence does not arise and I have given my statement in regard to the Police which is separate from that altogether.

14,719. Is it your desire that law and order should not be transferred at all in the Provinces?—I do not think that there are many places where it could be transferred at the present time. I will not say that there are none, because I cannot claim to have made such an exhaustive examination, but as an alternative to withholding it entirely I would advise a Deputy-Governor associated with

the Governor to whom, as and when required, this branch of the administration could be entrusted; or, better still, if it were possible, to have an Imperial Police Force—an All-India Police Service.

14,720. Do you think that if law and order was a Reserved Subject under the Governor, it would interfere with Provincial autonomy and introduce dyarchy?—*Pro tanto*, of course.

14,721. Then there would not be Provincial autonomy in the Provinces?—That is not so. There are many cases where a very great and effective measure of autonomy is enjoyed by communities which, nevertheless, are subject to certain restrictions. The fact of there being a restriction or a reservation in one or two particulars does not destroy, although it proportionately diminishes, the quality of autonomy.

14,722. Then you would really have as your first choice an Imperial Police?—I should be glad to know that that were possible.

14,723. Do you think that that is possible?—I say I should be glad to know that it was possible.

14,724. Have you considered the point as to whether it is possible?—It is one of the many points on which I am hoping to receive enlightenment from the labours of the Joint Committee.

14,725. There is one other question. You do not recommend any alteration in the Central Government?—No important alteration at the present time, or until the Provincial experiment has been proved to be a success.

14,726. Then with an irremovable Central Government and Provincial autonomy as adumbrated in the White Paper, how do you think they would act? With an irremovable Central Government always able to override the Provinces how would Provincial autonomy operate or how could it operate effectively?—It cannot be such an absurd proposition because it was in essence the proposition of the Statutory Commission.

Mr. M. R. Jayaker.

14,727. Mr. Churchill, before I begin, will you permit me to congratulate you on the very frank way in which you have put paragraph 1 of your statement. May I know in what year your visit to India was paid?—I was a subaltern officer in India from 1895 to 1898, or the spring of 1899.

14,728. You have not since visited India, after the Reformed Constitution?—Unhappily not.

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14,729. Not even as a cold weather visitor?—Unhappily, I have not been able to.

14,730. Therefore, you have not had opportunities of personal observation on the spot as to how the Reformed Constitution has worked?—None.

14,731. As you have very frankly stated, most of your opinions are based upon your discussions with those who have had official experience or non-official experience in India. Is not that so?—From the discussions I have heard in the Cabinet over a very long period of time.

14,732. That is part of the source of your information?—That is the main part.

14,733. Another important part is your discussion with those who have retired from India?—Of course, and those who are serving in India.

14,734. You know there are two schools of thought among officials—those who believe that the better policy is to go ahead with a large measure of advance and those who believe that it would be a disaster to do that?—I am very glad that you tell me that there are two schools of thought, because I understand Mr. Baldwin has claimed that nearly 90 per cent. of the serving officers are of one opinion.

14,735. I am not concerned with percentages; I am concerned with the fact that there are two opposite schools among officials, and I want to ask you whether those with whom you have had discussions belong to the school which think that it would be a disaster to extend self-government within the region of the Centre?—No; I gladly discussed it with those who held the opposite view.

14,736. You do not share that view?—I do not share that view, no.

14,737. Are you aware of, or have you had opportunities of considering for yourself, the great advance which has been made in public sentiment in India?—Certainly, I am aware of it.

14,738. And the changes in political opinion amongst the people?—Yes.

14,739. Have you had opportunities of studying that, if I may ask you?—I have had the opportunities which are open to any Member of Parliament who reads everything which is provided.

14,740. That is to say, by your studies in this country seven thousand miles away?—Yes, certainly. I have made it clear that I have not been back to India

since 1899. Some of the greatest authorities, some of those who are playing the greatest part, the most responsible part, in this matter in the Government, have never been to India at all.

14,741. I am only speaking as an Indian. My remarks would apply to both. My point of view is that of an Indian, Mr. Churchill, and I would ask you not to forget it?—I know; I respect it.

14,742. May I ask you whether you share this view held by a very important administrator who has just retired from India after thirty-five years: Sir Charles Innes, an Indian Civil Servant who rose to be a Member of the Viceroy's Cabinet, and then, later on, became the Governor of Burma—a very important official. May I read to you a brief summary in his words of the changes which have happened in India since the Reforms? I will just read a short paragraph from page 549 of his evidence. He gave evidence before this Committee a short time ago, and this is what he stated: "I do not think it easy for those who knew India only in pre-war days to realise the changes which have come over India in recent years. Some of these changes astonish even men of my standing—Indian women coming out of purdah, and dining and playing tennis in public, and, most amazing sight of all, Indian peasants waiting on the roadside for the motor omnibus to take them to their market town. Such changes are bound to have far-reaching effects, but the change I have most in mind is the change in the mental outlook of the educated classes and the growth of political consciousness." Do you regard that as a fair estimate of the changes which have taken place in India?—Sir Charles Innes is a high expert and he has given his view. There are many other high experts (and this is one of the difficulties with which we are faced) who have given directly opposite views.

14,743. Is there anything in your own experience which would entitle you to say—I am not speaking of officials; I am leaving them out for the moment—that this view is wrong?—It obviously would be absurd for anyone to say that no changes have taken place in a world which is changing with the greatest rapidity. Obviously, when motor omnibuses and motor-cars were invented and

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come upon the scene they begin to be used, and so on; and certainly one has to admit that there have been great changes, considerable changes, in the appearance of life in India. I doubt very much whether any really deep changes have taken place, whether any profound, fundamental changes have taken place, in the life of the Indian masses.

14,744. Your answer, if I may say so, with great respect, is outside my question. I am putting to you whether you think that the change is most "in the mental outlook of the educated classes and the growth of political consciousness." Are you in a position to say that this is an exaggerated statement? I am aware of the other things that you have mentioned. That does not answer my question—All would depend upon the context in which it was viewed, but I do not generally find myself in agreement with the views of Sir Charles Innes.

14,745. Would you share the view of many officials, that the success which has been achieved by the Reform Constitution has been so conspicuous that there is no danger in enlarging the responsibility of the Indian people in the Provinces and in the Centre?—Certainly not.

14,746. You do not agree. May I know your reasons why you do not agree; is there any particular reason you could mention or is there any indication that you could give us as to why you do not agree? It is only your vague opinion created by your studies in this country and your conversations with retired officials, can you tell us any particular facts; for instance, can you say that there has been deterioration in direction A or that there has been deterioration in direction B that would make it hazardous to embark upon this large experiment?—What you are inviting me to do is to give an argument—my reasons—against the proposed departure. I could undoubtedly express my views but not in answer to a question. It would take me a very long time to do justice to a question so very wide and general, but I have had a good many opportunities of expressing my views and I hope I shall have a good many more.

14,747. I know. I have been following your utterances for the last three years, but my question is this: Beyond the vague opinion which you have in this matter, are you in a position to enlighten the Committee by definite facts, stating

where the deterioration has taken place?—My opinion is not at all a vague one upon the matter, but if I were to be invited to formulate a particular indictment of any particular Service or any particular Province under the Montagu-Chelmsford Reforms I should require ample notice in order to marshal my facts in a manner worthy of Mr. Jayaker's attention.

14,748. I will not pursue that matter further, Mr Churchill. May I now ask your attention to paragraph 3; I am afraid I must take you into the metaphysical distinction between "Dominion Status" and "Dominion Constitution," just for a short time?—I do not mind at all.

14,749. I gather your position is this (correct me if I am wrong) that "During the Great War in which the martial races of India played so gallant a part, and in which we were sustained by the general goodwill of the many peoples of India, representation similar in form to that of the Dominions was accorded to India in the main Imperial and Inter-Allied Councils. Similar in form, but not in fact; for the Prime Ministers who represented the self-governing Dominions were responsible Ministers at the head of Governments elected on democratic franchises, whereas the distinguished Indian representatives were nominated upon the authority of the Secretary of State. In this sense, therefore, but only in this sense, did India enjoy 'Dominion Status' " and so on. I am reading from your paragraph 3. Now may I know whether, about the time of the war, and for a great many years afterwards, right up to about two or three years ago, this distinction was made that you are making now between Dominion Status and Dominion Constitution, by any responsible statesman in England?—I think the distinction existed, but the necessity of defining it arose from the evident misunderstandings which were being created by that loose use of the term "Dominion Status," as if it were interchangeable with an Australian or a Canadian Constitution.

14,750. I am not disputing for a moment that the distinction existed in your mind; I will take it from you?—I frankly admit that when one sees what are the misunderstandings which have arisen, the need for a much more precise definition has come upon me.

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Mr. M. R. Jayaker.] That is exactly the answer I wanted. Therefore the precise distinction was openly made somewhere about two or three years ago. That is a fact, is it not? I am not disputing that it existed in your mind. A cautious statesman like you was not going to commit himself, but I am asking you when was it openly and precisely made?

Marquess of Reading.] I thought you said it was precisely defined two or three years ago?

Mr. M. R. Jayaker.] Yes.

Marquess of Reading.] I only wanted to know what that meant, but we will wait.

Mr. M. R. Jayaker.

14,751. When was this distinction openly stated by any person in authority from a place of authority, that Dominion Status does not involve Dominion Constitution?—I do not recognise that as a phrase which has been used by any ministerial or official person.

14,752. I am asking you when this precise distinction was made for the first time?—By whom?

14,753. By any person in authority in Parliament?—I think when I spoke in that December Debate, in my speech there, seeing all the misunderstandings that had arisen around this expression "Dominion Status", I opened up very much this argument which I have put in my paper.

14,754. Quite true; that is only three years ago?—Quite true.

14,755. I am asking you whether previously to that any such distinction was made openly by a person of authority in a place of authority?—I think it was perfectly well known and well understood by all the persons in authority responsible for the legislation of 1919 that the expression "Dominion Status" did not mean the grant of an Australian or a Canadian Constitution in any time which men could reasonably foresee.

14,756. I quite see that, but do you think that when His Majesty the King speaking through the Duke of Connaught, gave a message to the Indian Legislature "For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj, for their Motherland. To-day you have beginnings of Swaraj within my Empire, and widest scope and ample opportunity for

progress to the liberty which my other Dominions enjoy"—would you say that any such reservation was intended by His Majesty?—That speech referred to the Montagu-Chelmsford Reforms embodied in the Act of 1919 which were actually being inaugurated.

14,757. Perfectly true, but what I am suggesting is that it holds out a promise "To-day you have beginnings of Swaraj within my Empire, and widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy". Do you suggest that the words do not bear the interpretation that India is promised "the widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy"? What interpretation do you put upon those words, Mr. Churchill?—I say that they referred to the definite proposals under the Act of 1919 and are governed by the Section I have mentioned—Section 84 (a).

14,758. That is not the question I am asking. Do not they hold out the hope to the Indian people "of the wider scope and ample opportunity for progress to the liberty which my other Dominions enjoy"? That is my question—That is quite true, but it is all limited by the conditions of this Section of the Act of 1919.

14,759. I am not speaking of that, Mr. Churchill. The hope cannot be limited. That section only speaks of the method in which further advance is to be made?—No; the achievement of the hope is regulated by the Section in the Act.

14,760. Then am I to understand that when that statement was made by the King—I am quoting the words in your paragraph, Mr. Churchill, "no member of that Cabinet, certainly not the Prime Minister, meant, contemplated or wished to suggest the establishment of a Dominion Constitution for India in any period which human beings ought to take into practical account"—that was the reservation made?—That is in my opinion a fact; that is my belief.

14,761. I suppose these utterances by His Majesty the King are drafted with very great care. I am asking you that question because you have the experience of a Cabinet Minister?—Necessarily.

14,762. Do you think that was a reservation? Then I am asking you, would you blame the Indian people if they took these words in their most



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natural meaning?—As I say, I consider that we were then in the presence of the definite legislation which was being translated into action, and that the statements referring to that legislation were limited by it. It is quite true that in the legislation, in the preamble, I think, the same hope is expressed in the words of a Statute and I consider myself bound as much by the one as by the other.

Mr. M. R. Jayaker.] I will not pursue it. Now your suggestion comes to this, Mr. Churchill, and I want you to meet my difficulty: If your proposal is accepted England will have to say to India: "Yes, no doubt we used an expression which is capable of that interpretation, and on the basis of that we had immense help from India in the War—men, munitions and materials. Men fought, men died. But all the while we never intended to give the particular meaning to that expression. We had at the back of our minds something different, and you gentlemen have made a mistake."

Sir Austen Chamberlain.] May I ask Mr. Jayaker, before Mr. Churchill answers, to what statement made during the War he is at this moment referring?

Mr. M. R. Jayaker.] I am referring to the statements made at the Imperial War Conferences; I am speaking of the statements made on the authority of His Majesty the King when the Legislature was opened.

Earl of Derby.] When was that?

Mr. M. R. Jayaker.] 1921.

Sir Austen Chamberlain.] That was not during the War; that is my point.

Mr. M. R. Jayaker.

14,763. My question is this: You will now have to say to India: "You took part in the War. Your men died; your money was spent. After the War, in conferences, we used the expression 'Dominion Status,' and in the King's Message in 1921 we promised you a hope of liberty on the same lines as other parts of the Empire, but, remember, gentlemen, you have made a mistake all these years. We never intended the expression in that way. All we meant was"—to use your amended expression—"honourific" (yesterday the expression was "ceremonial")—"all we meant was Dominion Status in the ceremonial and honourific way and we never meant to hold out the faintest hope to you"—to use your own expression again—"to

suggest the establishment of a Dominion Constitution for India in any period which human beings ought to take into practical account." That will be your message to India?—No; my answer would be to read the first paragraph of the preamble of the Act of 1919. "Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian Administration, and for the gradual development of Self-Governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire: And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken: And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples," and so forth.

14,764. Perfectly true, but where the expression "Dominion Status" is used what would be your answer?—I have given a very great number of answers upon it.

14,765. Your answer would be, in brief: "I never intended to use the expression for giving Dominion Status for India in the future"?—I did not say that. I said any period that it was useful or practicable for us to foresee. The life of man is short and the power of politicians to look ahead must necessarily be limited. What I complain of and where I think perhaps you would agree with me is that by the repeated use of this expression, especially now that there is so much importance attached to it, hopes are raised which ought not to be raised. It is also pointed out that any period in which this hope can be achieved is one which living men will not see.

14,766. I quite follow that. There is a lot in your memorandum with which I agree, especially where you speak of the reservation of the Army and what remains of the transfer of responsibility. I agree with that, but that is outside the question at the moment. Then may I ask you this without pursuing it further: Your present attitude and the attitude of the school to which you belong is that India ought to be told that, in any period which human beings ought to take into practical account, India will



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Mr. M. R. Jayaker.] That is exactly the answer I wanted. Therefore the precise distinction was openly made somewhere about two or three years ago. That is a fact, is it not? I am not disputing that it existed in your mind. A cautious statesman like you was not going to commit himself, but I am asking you when was it openly and precisely made?

Marquess of Reading.] I thought you said it was precisely defined two or three years ago?

Mr. M. R. Jayaker.] Yes.

Marquess of Reading.] I only wanted to know what that meant, but we will wait.

Mr. M. R. Jayaker.

14,751. When was this distinction openly stated by any person in authority from a place of authority, that Dominion Status does not involve Dominion Constitution?—I do not recognise that as a phrase which has been used by any ministerial or official person.

14,752. I am asking you when this precise distinction was made for the first time?—By whom?

14,753. By any person in authority in Parliament?—I think when I spoke in that December Debate, in my speech there, seeing all the misunderstandings that had arisen around this expression "Dominion Status", I opened up very much this argument which I have put in my paper.

14,754. Quite true; that is only three years ago?—Quite true.

14,755. I am asking you whether previously to that any such distinction was made openly by a person of authority in a place of authority?—I think it was perfectly well known and well understood by all the persons in authority responsible for the legislation of 1919 that the expression "Dominion Status" did not mean the grant of an Australian or a Canadian Constitution in any time which men could reasonably foresee.

14,756. I quite see that, but do you think that when His Majesty the King speaking through the Duke of Connaught, gave a message to the Indian Legislature. "For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj, for their Motherland. To-day you have beginnings of Swaraj within my Empire, and widest scope and ample opportunity for

progress to the liberty which my other Dominions enjoy"—would you say that any such reservation was intended by His Majesty?—That speech referred to the Montagu-Chelmsford Reforms embodied in the Act of 1919 which were actually being inaugurated.

14,757. Perfectly true, but what I am suggesting is that it holds out a promise. "To-day you have beginnings of Swaraj within my Empire, and widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy." Do you suggest that the words do not bear the interpretation that India is promised "the widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy"? What interpretation do you put upon those words, Mr. Churchill?—I say that they referred to the definite proposals under the Act of 1919 and are governed by the Section I have mentioned—Section 84 (a).

14,758. That is not the question I am asking. Do not they hold out the hope to the Indian people "of the widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy"? That is my question.—That is quite true, but it is all limited by the conditions of this Section of the Act of 1919.

14,759. I am not speaking of that, Mr. Churchill. The hope cannot be limited. That section only speaks of the method in which further advance is to be made?—No; the achievement of the hope is regulated by the Section in the Act.

14,760. Then am I to understand that when that statement was made by the King—I am quoting the words in your paragraph, Mr. Churchill, "no member of that Cabinet, certainly not the Prime Minister, meant, contemplated or wished to suggest the establishment of a Dominion Constitution for India in any period which human beings ought to take into practical account"—that was the reservation made?—That is in my opinion a fact; that is my belief.

14,761. I suppose these utterances by His Majesty the King are drafted with very great care. I am asking you that question because you have the experience of a Cabinet Minister?—Necessarily.

14,762. Do you think that was a reservation? Then I am asking you, would you blame the Indian people if they took these words in their most

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natural meaning?—As I say, I consider that we were then in the presence of the definite legislation which was being translated into action, and that the statements referring to that legislation were limited by it. It is quite true that in the legislation, in the preamble, I think, the same hope is expressed in the words of a Statute and I consider myself bound as much by the one as by the other.

Mr. M. R. Jayaker.] I will not pursue it. Now your suggestion comes to this, Mr. Churchill, and I want you to meet my difficulty: If your proposal is accepted England will have to say to India: "Yes, no doubt we used an expression which is capable of that interpretation, and on the basis of that we had immense help from India in the War: men, munitions and materials. Men fought, men died. But all the while we never intended to give the particular meaning to that expression. We had at the back of our minds something different, and you gentlemen have made a mistake."

Sir Austen Chamberlain.] May I ask Mr. Jayaker, before Mr. Churchill answers, to what statement made during the War he is at this moment referring?

Mr. M. R. Jayaker.] I am referring to the statements made at the Imperial War Conferences; I am speaking of the statements made on the authority of His Majesty the King when the Legislature was opened.

Earl of Derby.] When was that?

Mr. M. R. Jayaker.] 1921.

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Mr. M. R. Jayaker.

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not get the same Status as Australia has?—In my opinion, that statement ought to be made.

14,767. Do you know what the results of such a statement will be upon public opinion in India? Have you ever asked yourself the question what the result of such a statement will be in India, that even in the dim future there is no scope for India getting Dominion Constitution?—I did not say in the dim future. If you wish to quote my words or examine me on verbal implications you must not slip in a number of words of your own. I will defend my own words.

14,768. It was my fault; it was my paraphrase. I will take your words: "in any period which human beings ought to take into practical account"?—No; of having the Constitution which Australia and Canada enjoy under the Statute of Westminster.

14,769. Then would you say there is hope for her obtaining responsible government in British India as an integral part of the Empire?—We are taking a very great step forward in establishing Provincial Home Rule.

14,770. That is not my question, if you will allow me to say so?—Now that we know so much about all this, and we see what a controversy it is, I should strongly deprecate any expectation being held out of going beyond that until a long period has occurred in which the Provincial Home Rule administrators have proved that they have succeeded.

14,771. I am aware of that. My question was quite simple. I am asking you, if you were asked the question: "Is there a hope for India in any period which human beings ought to take into practical account of obtaining responsible government in British India as an integral part of the Empire", what would be your answer?—That raises a number of difficult questions, as, for instance, advance of responsible government in British India apart from the States and so forth, which I do not think it would be useful for me to go into now, but I really content myself with the Preamble of the Act.

14,772. I am quoting from the Preamble of the Act?—I content myself with the words of that Act. I am bound to accept it. The Acts of Parliament are the important things, and coupling that with this Section 84A I consider that that defines the position which I take as an individual member of the

House of Commons forced to take a decision upon these matters.

14,773. Then may I say that there is hope for India according to the particular methods mentioned in section 84A?—I say we ought never to assign any limits to the progress of any part of His Majesty's Dominions or put any bar against the position which in the future may be achieved, of race, colour or creed.

14,774. Then I just want to ask a few questions on paragraph 6. You seem to be very much troubled about the Statute of Westminster, Mr Churchill, about the right of secession. Supposing India did not want that right, which is the most important feature, as you say, of the Statute of Westminster, what would be your objection to giving her Dominion status in the future?—The Secretary of State no doubt could show all the arguments which lie behind his numerous safeguards; the protection of minorities which, in the aggregate, I believe, are a majority; defence, foreign affairs, finance and so forth.

14,775. I am not speaking of the immediate transfer of Dominion status, I am speaking of the eventual growth of Dominion status. What would be your objection to that?—We do not need to close doors upon hope, but neither must we, now we see where we are, raise false hopes, because misunderstandings arise when words are used which are interpreted by the people who use them as a far distant goal and when they are interpreted by Indian people as something which is going to happen quite soon, and it is that evil which I am most anxious to avoid. If I have been at fault in the matter I have frankly admitted it.

14,776. Then what you object to is that Dominion status is going to be conferred upon India very soon; your objection is to the "very soon," is it?—My objection is that any idea should be given that it is possible in any period which it is reasonable for human beings to foresee.

14,777. In paragraph 7 you say: "The expression 'India' has been even more loosely used. India is not a country or a nation," and so on?—Yes.

14,778. You do not mean to discount those changes which have taken place in India in political consciousness of unity? Are you aware of that?—I am well aware of it.

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14,779. And still you compare it with Europe<sup>o</sup>—The only differentiation is the strong structure of the Imperial Government which has given a superficial unity to India which Europe has not got, and it is thanks to that strong British structure that the whole century of peace or so many years of peace and of racial and religious peace have been enjoyed by India.

14,780. I am not disputing that the British Government and Pax Britannica have done it. I am asking you whether you agree that this political unity has come<sup>o</sup>—No, I do not think it has come. I think that a superstructure has been created around which many aspirations gather and upon which a certain unity exists, but I am quite sure if the British structure were removed the divisions which would break out in India would be just as fierce—far fiercer indeed—than those which exist in Europe to-day, and they are bad enough.

14,781. You do not mean to suggest that the White Paper removes that superstructure<sup>o</sup>—No; I should agree very much with you on that line.

14,782. That is what I say. Therefore there is no question of removing the British superstructure at all. May I point out to you an important statement in the Simon Commission Report, paragraph 459, Volume I?—I am afraid I have not got a copy of the Report with me.

14,783. May I read to you just a short sentence: "It would be altogether surprising" (they are speaking there of the political consciousness and its growth) "if 10 years of the Reforms had effected in India what many decades of representative institutions have failed to accomplish, under more favourable conditions, elsewhere." Do you agree with this statement or do you think it is exaggerated?—I read with very great interest and a considerable measure of agreement the Statutory Commission Report, and I am not quarrelling with this particular statement. I should like to know how you intend to use it.

14,784. If that is a true state of things in India, would you say still that the expression "India" is something like the expression "Europe," without any nexus, without any national feeling, without any communal affinities, without any common civilisation and culture? Would

you say that of India in the light of this statement by the Simon Commission?—I think so. I think that the progress that has been made towards unity is the result of an artificial element in the life of India arising from the British Raj, and that if that were withdrawn the units which have grown up around the Central Government and express themselves through the English language would probably disappear within a very short time.

14,785. I just want to ask you one question about the point which Dr. Ambedkar took. I am calling your attention to what happened in the debate on the 3rd December, 1931. You took a very prominent part in opposing the policy of the Prime Minister, but do you remember that the Secretary of State made a speech as was a supplement to the Prime Minister's speech?—Yes.

14,786. And then you said that you completely agreed with the Secretary of State's speech, and you went the length of saying that if the Prime Minister would accept the Secretary of State's speech as a supplement to his own speech you would withdraw your amendment?—I would withdraw the amendment, but I should have considered myself perfectly free to examine the proposals of a subsequent White Paper or Act of Parliament when presented; but, of course, there was never any question of the Government accepting such a proposal.

14,787. You are very quick in anticipating my question, if I may say so. I was going to ask you a far simpler question. You agreed with the principles accepted in the Secretary of State's speech?—No; I did not say that. The fact that you do not persist in an amendment to a proposal when you have only small support behind you by no means commits you to agreeing.

14,788. Then you did not agree, may I take it, with the principles stated in the Secretary of State's speech?—I did not agree with the Prime Minister's speech because I am opposed to setting up a federal system at the present time, and I did not agree with his speech and I deplored the fact that the Parliament which had newly assembled without having had an opportunity of really being educated into these matters or having given any real consideration to them, was so early asked to take a decision, but I was very much relieved when I read Lord Hailsham's statement in the

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House of Lords, to which I attach great importance.

14,789. May I ask attention to a part of your speech on that occasion in the House of Commons? This is what you said: "I told my right honourable friend this morning that I should be quite willing to withdraw the amendment. I have been in consultation with honourable friends associated with me, and we should be quite willing to withdraw our amendment if the Government would agree to substitute for certain words at the end of the motion. 'That this House approves the India policy of His Majesty's Government as set out in Command Paper No. 3972 presented to Parliament on the 1st December, 1931, and also in the speech of the Secretary of State for India of the 2nd December.' Now I address myself to the Prime Minister, and I ask him publicly a question. I am authorised by those who are associated with me, no doubt, a forlorn and scanty band, to withdraw the amendment if the Government will merely add to their motion the speech of their own Secretary of State"—Will you read a little further?

14,790. "The statement of policy made by him, not merely an enumeration of the safeguards but the whole of the statement he made including his resolve to persevere with the policy of self-government and with the erection of a federal system. If he will include that speech in the motion which he is asking us to pass this evening he will have a unanimous vote so far as his supporters are concerned. I pause for a reply"—What happened?

14,791. The Prime Minister said: "It is perfectly plain that everything that was in the Secretary of State's speech is in the White Paper"—Go on, please.

14,792. I am asking you a question. You were willing on that occasion to withdraw your amendment and to drop your opposition and to give a unanimous vote if the Secretary of State's speech was taken as a supplement to the Prime Minister's speech. Is it or is not a fact?—You have read it out. We should have withdrawn our amendment.

14,793. Further than that?—We should have withdrawn our amendment if our terms had been granted then, and the effect of that undoubtedly would have been to give a different impression to India than was given by the carrying of the resolution in the form in which it was carried.

14,794. I am not speaking of that. You would have withdrawn your amendment, and there would have been a unanimous vote?—The withdrawing an amendment and not dividing the House against a Government policy does not in the slightest degree imply agreement to that policy.

14,795. What is meant by a unanimous vote?—A vote on which no division is taken. A unanimous vote in a Parliamentary sense is a vote upon which no division is taken. It does not mean that every single member votes for it.

14,796. It is the same as *nem con.*?—If nobody challenges it.

14,797. *Nem con.*, you say, is the same as a unanimous vote. Do you see any departure between the principles stated in the Secretary of State's speech of which you felt so much enamoured on that occasion, if I may say so without offence, and the principles embodied in the White Paper?—I have always been opposed to the federal system at this juncture at the Centre, and the transfer of law and order to the Provinces except as I have indicated, and I had no different opinion then from what I have now at all, but, with the best will in the world, Mr. Jayaker is, I think, not fully appreciating the methods of the House of Commons and the way in which a discussion would go. A Government which has a great majority is carrying forward a policy. Those who do not like the policy take what foothold they can to secure an arrest or a delay, or to modify it as much as they can in the direction of their views, and naturally, if they are met by the Government, their amendment is withdrawn, but it does not follow at all that they have altered their views in consequence of that and that there is unanimity on the policy, because at one particular moment it is not thought desirable to push an amendment to a division. That has nothing to do with it.

14,798. May I ask, in great humility, your attention to the words you used? You may tell me that you do not attach to them the meaning or the importance that I do. I am asking you kindly to fix your attention on the words of your speech: "The statement of policy made by him" (the Prime Minister), "not merely an enumeration of the safeguards, but the whole of the statement he made, including his resolve to persevere with the policy of self-govern-

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ment and with the erection of a federal system." This you promised to support with a unanimous vote?—No, I said there would be a unanimous vote, but I should never have voted for that. I should have remained silent; I should not have divided the House.

14,799 I am quoting from your own words?—Yes, and it does show me very much how difficult it is to avoid misunderstandings.

14,800. In your Memorandum, paragraph 8, you seem to suggest that Parliament "should never endanger any of them seriously for the sake of gratifying the Indian intelligentsia by making political changes." Throughout your memorandum (correct me if I am wrong), you seem to draw a distinction between the intelligentsia and their claims and the good of the masses of India. Is that not a fact?—I do.

14,801. Why do you do that?—Because I think that the demands which are put forward (I use it as no term of disrespect) by the Indian intelligentsia or political classes if they were carried into action would produce widespread devastation and misery and commotion throughout India.

14,802. Amongst the masses?—Amongst the masses, because it is the masses who suffer.

14,803. Why do you say that?—I say that because the racial and religious differences now held in suspense by the Imperial Government would eventuate in a series of terrible episodes similar to those we witnessed at Cawnpore only a few years ago.

14,804. I am not speaking of the removal of British control. I am speaking of the scheme of the White Paper?—But the scheme of the White Paper is not the demand of the Indian intelligentsia. It is not your demand, Mr. Jayaker.

14,805. Leave that alone?—You have said it is only a stepping stone, and only a means, or words to that effect.

14,806. In politics everything is only a stepping stone. There is no finality in politics. You said yesterday you cannot put a limit on the hopes and ambitions of a people. You imagine a conflict between the intelligentsia and the interests of the masses?—I imagine undoubtedly that if the complete Dominion constitution were given at this time, or in any period I can reasonably foresee, very great misery and desolation would be spread far and wide among the 300,000,000 of India.

14,807. That is not my question?—It is my answer.

14,808. Do you mean to suggest that what the intelligentsia demand the masses do not share?—I doubt very much whether there is any demand on the part of the broad masses of India for these political changes.

14,809. Will you take a sporting offer from me: You are a person of great authority with this Government. Will you see that this Government takes a plebiscite from the masses on a plain and simple question; everybody having liberty to advocate with the masses, your school, my school, the Government, and everybody a plebiscite on the simple question: Do the masses desire a Government of their own people or Government by the British? Will you take a plebiscite and be bound by that plebiscite?—No, I do not think that would be at all a fair or reasonable question to put to the masses of India. I am not aware of any machinery which exists by which an effective answer could be given to that at all.

14,810. On a simple question whether they desire the Government of the people or no. A very simple question which every villager understands?—Of course a statement like that, whether they desire a Government of the people or no, whether answered in the negative or in the affirmative, would not carry matters any further.

14,811. Will you take a plebiscite whether they desire the principles of the White Paper to be established or no as against the proposal which you are making?—Through India?

14,812. Yes?—No. I do not admit that it rests upon a plebiscite at all. The question is of the responsibilities of the Imperial Parliament and how far they can safely delegate them.

14,813. That is the constitutional position which I am not disputing?—No.

14,814. I am only asking you this. When you suggest that the masses are not with the intelligentsia in their political demands, I am asking you on that question: What is your proof?—I give my belief, that is all—my opinion.

14,815. May I quote the contrary opinion to you of Sir Charles Innes at page 552. I will quote a short statement from his evidence: "It is idle, in my view, to suggest that it is what the mass of the people as opposed to the educated



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classes want. That always seems to me to be a futile argument. In political movements, it is the educated people that count. Moreover, as we have had reason to know in recent years the masses are easily influenced against us and easily inflamed." Do you share this view that what the politicians think, a little in advance of the masses, the masses will accept. Do you share Sir Charles Innes' view?—No, I do not agree with Sir Charles Innes.

14,816. Then I go on to paragraph 11. With regard to your scheme, Mr. Churchill, have you any reason to believe that your scheme will be accepted by the bulk of politically minded Indians?—I cannot forecast what the reception of any particular proposal will be by the masses of India.

14,817. Do you think it will be touched by those on whose co-operation and good will you will rely for its working?—I think they would be unreasonable to reject it.

14,818. They may be, but do you think they will accept it? In politics we are very often unreasonable?—Quite true.

14,819. That is the basis of advance in many countries. Have you made inquiries from those from whom you have drawn your information by discussion and in other ways that this scheme has a chance of being accepted as a rival to the White Paper?—I am well aware of that argument that unless we give the White Paper scheme the Indian political classes will withdraw their good will and refuse to work it. But I do not agree with that. In the first place, I do not think that the White Paper scheme is acceptable except to a small and, unhappily, not powerful minority among the Indian political classes. The bulk of them disapprove of it and dislike it, and they will dislike it anyway, or if they use it it will only be as a weapon of transition, and I do not see that any new position would arise if a better scheme, as I regard it, under my amendments were introduced.

14,820. If they dislike the White Paper, *a fortiori* will they dislike your scheme, will they not?—Exactly.

14,821. And you think that the measure of dislike would be the same in both cases?—I think so, and I think in neither case would it prevent a substantial advance being made so far as provincial government was concerned.

14,822. You know that politically minded Indians have set their hearts on central responsibility, and it is regarded by them as the substance of their demand?—I am sorry to hear that, because it is certainly not a sphere in which they are able to receive much satisfaction at the present time.

14,823. But the White Paper certainly makes for dyarchy at the centre?—I think it is a very great evil to introduce dyarchy at the centre.

14,824. That may be, but it certainly introduces the thin end of the wedge?—Undoubtedly. I quite understand that and, although it will not give any satisfaction at the moment, the hope is that the White Paper may be used to carry us into a position which the great majority of the Members of the Houses of Parliament would dislike very much.

14,825. That may be, but for the moment the popular voice gets a foothold at the centre by the White Paper, whereas under your scheme it gets no foothold at all at the centre?—I think it is better to form the provincial governments and make sure that they are successes and bind them together, if you think it right to do so, after a long interval.

14,826. As regards the possibility of such an opinion being accepted, may I invite your attention to Sir Charles Innes' opinion on this alternative proposal? This is what he says, speaking of proposals like yours, at page 552. "In my view, the alternative proposals fail, for they do not offer any real or lasting solution of our present difficulties. They would depend, I believe, on repression, and repression is no remedy. No nation can hope to hold another nation permanently in subjection. Sooner or later, we should have to give way, and when we did have to give way, we should be in a much worse position than we are to-day." This is how he estimates the political situation as it would be if your proposal were pushed through. What do you think of his estimate?—I think he is using ill-judged and mischievous language coming from a high authority, and I express my total disagreement with him and with the tone of his remarks, and with the occasion on which they were made.

14,827. Do you mean to suggest to this Committee that the opinion of such a veteran and trusted officer who has occupied very important offices should not be preferred to your opinion which has been vaguely formed from studies in this



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country?—It is for the Committee to judge entirely; he has expressed his view. You asked me what I thought of what he said, and I say I do not agree with it.

14,828. Do you suggest that the Committee should accept your opinion in preference over the opinion of Sir Charles Innes?—I have my own ideas of what the Committee should do. If I thought they would avail me, I would gladly express them, but all I can do is to submit my view.

14,829. In paragraph 14, you say: "It would be ungrateful not to recognise the very great improvement in the tranquillity of India which has been brought about during Lord Willingdon's Viceroyalty. A complete reversal of administrative policy has occurred, the details of which are obvious. This has proved that the existing machinery of government at the Centre of India is fully capable of maintaining law and order, even in very difficult circumstances without any serious loss of life or use of British troops." Do you wish to suggest that the present tranquillity of India, assuming it is tranquillity, has been obtained by your machinery of law and order alone?—Mainly by the executive measures which were taken under Lord Willingdon.

14,830. Do you not take note of the fact that the large bulk of politically minded people have supported your policy either by refraining from civil disobedience, or by giving active support to the maintenance of law and order. Do you admit that?—I should be sorry to exclude it altogether, but in the main, I believe that the restoration of tranquillity, if tranquillity there be, as you say, has resulted from the firm enforcement of the ordinary law—

14,831. Perfectly true?—And without discrimination, which has characterised the present regime in India.

14,832. Do you further admit that those who have given you their support in the maintenance of law and order and in producing the tranquillity of which you speak in this paragraph, are the men who are expectantly waiting to see that a large measure of political self-government is given to India; that the support has been drawn from the ranks of such men who are expectantly waiting to see what measure of Indian self-government is given? Do you admit that fact?—It may be that some propor-

tion of those classes are hoping for the White Paper. It may be that another proportion are hoping for something far in advance of the White Paper which they hope the White Paper will give them after a short interval. It may be that a large proportion of them would be perfectly content to see a success made of Provincial Home Rule, but, in any case, while naturally we must not speak without gratitude and good will towards all who support the maintenance of law and order, in my opinion the overwhelming element in the improvement of Indian affairs has been the decision to enforce the law without fear or favour.

14,833. But you could not have enforced law and order so easily if you had not had the support and co-operation of this class of Indians. Do you admit that? You would have found it more difficult to enforce law and order?—Certainly. The more support you have the easier it is to do what is right.

14,834. Do you not think that if you lost the good will and the co-operation of this class of people and that an attempt was again made of the nature which took place twice previously, it would be very difficult to maintain law and order without repressive proposals?—I do not admit that we should lose the support of all educated Indian opinion if we limit our extension at the present time to the Provinces.

14,835. What is your estimate of the measure of support you would get, if you can give me an idea?—How can I know that?

14,836. Then you cannot say what measure of support you would get from politically-minded Indians for a scheme like yours, not even roughly. Will you take it from me that it will receive very small support from the politically-minded people of India?—That is not a question, is it?

14,837. The last question I want to ask you is this. You talk in paragraph 13 like this: "This experiment in the Provinces must naturally precede the making of a Federal System for India." Then you go on about 8 lines from the bottom, "those who succeed should be examples and an encouragement; those who fail can be helped. If any one fails hopelessly, the delegated powers can be resumed. If nearly all or the greater part succeed, then after a broad interval in which the fact is proved, the joining of the units together in a Federation might well be a matter of common

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agreement." Can you give us some idea as to the approximate period for which you would like to wait?—I have committed myself to say certainly more than 10 years.

14,838. That is only one terminus. Which is the other terminus?—The other would be regulated by the development of the Provincial Home Rule Government and that might come very rapidly after 10 years had passed or, perhaps, during the 10 years, but I would not reopen the Constitutional question until more than 10 years had passed, and then take a view of the Provincial Services and Home Rule Governments, and if they were developing into prosperous, loyal, progressive, peaceful communities, it is perfectly evident that their desire to join themselves together around the Central Government of India in a Federal System with Federal Legislative Instruments would be a desire which it would be very difficult to resist in British public opinion.

14,839. You would not, for instance, set the period in these terms: "A period which human beings ought to take into practical account"—to quote your expression. You do not put it in that category?—No. That I was applying to an Australian or Canadian Dominion Constitution under the Statute of Westminster, but the institution of a Federal System could be considered the moment you had in existence as a working proposition effective Home Rule Administrations in the Provinces.

14,840. You say in paragraph 15, at the bottom: "What you have to give now, give and have done with it. What you cannot give, refuse and use your power, which is ample, to sustain your decision"?—Yes.

14,841. It does smack of physical power, does it not?—The maintenance of law and authority under the existing Constitutional relationships between Great Britain and India.

14,842. I do not quite see how it would work—"refuse and use your power, which is ample, to sustain your decision." Supposing India did not accept it, would you then use your powers to force it down? I do not quite see what you mean by that—"use your power, which is ample, to sustain your decision"?—I will answer your question as well as I can by another. Supposing India was not satisfied with the White Paper—I am using your language—and

the Indian political classes were resentful of the safeguards and thought it apparently gave with the one hand and took away with the other, and so on, then surely that same situation would arise that I am facing in the last two lines of my fifteenth paragraph?

14,843. I say the same situation would not arise because my view would be in that case if there was united feeling of opposition to the White Paper, England would have to go further. That is my position?—I see.

14,844. What is the position which you see? Make a political experiment, tell the people they will not have more; if they refuse, use your power, which is ample, to maintain law and order? Tell me in definite words what would you do?—We should maintain the law.

14,845. But it does not cause a disturbance of the law to refuse your political experiment?—I see what you mean. If there was, so to speak, a general strike against helping in the Provincial Home Rule Governments.

14,846. They would refuse to work it?—I thought you meant something of an illegal kind. You mean if nobody wanted to take part in it?

14,847. Yes?—I think that would show that there was a great deal of insincerity behind the demand for representative Institutions of many Indian gentlemen who are asking for them, when they do not think they will get them or are doubtful of getting them if, when it came to the point of having the burden of administering these great Provinces cast upon them, they would gladly ride off and say "No; we expected something much finer than that," and would not take part in it. I should have thought that that showed that the demand for modern democratic electioneering and representative institutions in India was not nearly so widespread or so profound as we have been led to believe.

Sir Phiroze Sethna.

14,848. Mr. Churchill, you told Mr. Jayaker that you were in India from 1907 to 1909 as a subaltern and you add in the first paragraph of your Memorandum that you had many companions in peace and comrades in war amongst Indians. May I take it that as a subaltern you were stationed in towns where your regiment was, and not in principal towns such as Bombay and Calcutta and consequently you did not

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have opportunities of meeting politically-minded Indians and knowing their views?—I travelled all over India and I had the opportunity of staying in most of the principal Government centres there; I met a great many people, but I make no claim to be an Indian expert. I have carefully put in this paragraph to disclaim any such idea.

14,849. If you say that I leave the question there. You told Mr. Jayaker that, whilst Sir Charles Innes held one view, you had consulted many other experts who hold different views?—Yes.

14,850. I am not asking for their names. May I know if those gentlemen have returned from India within the last few months or the last year, as Sir Charles Innes and Sir John Thompson have done, and who filled very important positions in that country?—I do not think it would be wise for me to define any of the sources from which I have formed the opinions you have asked me to lay before you.

14,851. The reason I ask as to when they returned is for the purpose of eliciting the information as to whether their knowledge is comparatively recent or many years old. Now, Mr. Churchill, in paragraph 14—I am not repeating what Mr. Jayaker has said—you observe that there has been great improvement in the tranquillity of India which has been brought about during Lord Willingdon's Vice-royalty. Are you aware that Lord Willingdon himself attributes that to the possibility of India getting a substantial measure of reforms within the near future?—Yes.

14,852. I would like to quote to you the last two sentences from a speech which he made to the two Houses of the Central Legislature as recently as the 30th August: "In conclusion, let me turn for a moment to the future. If we are to ensure the rapid progress which we all desire in the way of Constitutional Reforms, we must create the atmosphere in which that progress can develop. Little can be done by Government alone. An equal responsibility must lie upon Honourable Members themselves and other leaders of political thought in India to whom we must look to use their influence by their speeches, by public meetings and propaganda to see that the electorates of the future are made fully aware of the great advance we are striving to achieve through the White Paper proposals. I appeal to you, therefore,

with all the sincerity at my command, to take up this responsibility with courage and energy so as to help your country forward to the attainment"—and mark these words—"to the attainment of her ultimate goal as an equal partner in the shaping of the destinies of the British Empire." May I ask if you agree with these views?—I think I found a lot in that speech which I regretted to hear Lord Willingdon say, at the present time when these matters, we are assured, are *sub judice*, and so much is being considered by the Joint Select Committee, and when we are repeatedly assured that we are not committed and so forth; but with a great deal of the language I am naturally in sympathy, and such language is frequently used by persons making statements of that kind, but I deprecate statements which seem to imply that the White Paper is to be carried into effect when Parliament has not yet decided upon it and this Committee has not yet reported, when we are continually begged to await the Report of the Joint Select Committee even before forming any opinion.

14,853. In an extract from your speech which Lord Irwin quoted yesterday you had said that Dominion Status could not be granted "within living memory". I draw your attention to those words, "within living memory". In your Memorandum now before us you say not before a hundred or two hundred years, and you supplement that to-day by saying not within any reasonable period which one can think of. Are we to paraphrase that by the word "never"?—No; but I have been drawing attention to what has now become so very evident, the great danger of the use of this term "Dominion Status" or "Dominion Constitution", because it is used very often in such a way as to give an idea to Indians that Dominion Constitution similar to Australia and Canada after the Statute of Westminster is likely soon to be achieved, whereas that is not intended as I believe by any of the British speakers who have used such an expression. Therefore, as the matter has been shown to be so full of misunderstanding, I think it is extremely important that everyone, if they say Dominion Status, should also point out that that is a distant, remote goal, which it is not practicable to take into consideration—I must repeat my words—in any period which human beings need take account of.

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14,854. India, justifiably or not, is asking for the control of her own destiny. Parliament can either give it by meeting her demands or by giving as much as will appease them. If they do not do one or the other, then I take it that you would like that idea to be suppressed. In regard to that, may I point out to you that Sir John Thompson has replied as follows? Sir John Thompson was asked by the Marquess of Lothian "Would you turn to paragraph 4 of your Paper. I just want to ask you to elaborate a little what you say under sub-paragraphs (c) and (d). You say: There are 'grave risks involved in an over-cautious policy; and (d) The impossibility of holding Indian aspirations in check for long, even by armed force.' Supposing Parliament put forward proposals which, in effect, were rejected not only by the left wing of Indian political aspirations but by the great mass of moderate politicians, what steps would be necessary, in addition to the maintenance of the Army, to maintain law and order over any considerable period of time. Would the existing mechanism be adequate?" The reply was: "It would be entirely inadequate." Sir John Thompson said that after having returned to this country a few months ago and after having filled the position of Chief Commissioner at Delhi?—Is this the same Sir John Thompson who has recently become a propagandist agent in favour of the White Paper?

Sir Phiroze Sethna.] I do not know about his being a propagandist: he is the President of the Union of Britain and India.

Marquess of Reading.

14,855. He was Chief Commissioner of Delhi?—He has a double qualification.

Mr. Zafrulla Khan.] That could also be said of Sir Michael O'Dwyer in the Punjab in martial law days.

Sir Phiroze Sethna.

14,856. Pursuing this point, Mr. Isaac Foot asked: "Would it be going too far to say from your answers to Lord Lothian that, in your opinion, there is no alternative in the future of India between a larger measure of self-government and Military autocracy?" And the answer was. "Yes, I think that is true, but I do not think that Military autocracy would ever work in India, under modern conditions." In the course of this, Mr. Churchill, you would

not go the whole length of the White Paper but would advocate your own scheme?—No, Sir, I would not. I would not hand over the Police in the Provinces as defined, and I would not set up at this juncture a Federal system until after the Provinces had proved that they could make a success of it.

Chairman.] Sir Phiroze, I think this point has been very sufficiently covered by Mr. Jayaker's examination of this witness

Sir Phiroze Sethna.

14,857. Very well, my Lord Chairman; I will leave that point. May I refer to Mr. Churchill's scheme in another way, because I see his answer this morning differs from the answer so far as I remember which he gave yesterday? Yesterday he said that nobody in India, nor a party in this country, accepted the White Paper, and when he was asked whether his scheme would be acceptable I remember he said, "with the able assistance and co-operation of Indians we shall be able to carry on my scheme, provided we give Provincial autonomy with my reservations." Then he said. "They would not lead to a general refusal by Indians to take part in the Government of this country." I leave that matter?—We have a verbatim report of what I said, I think

14,858. Yes, I was reading from my notes. We have not yet got the verbatim report?—There will be one.

Sir Phiroze Sethna.] But I remind you that you said yesterday that your scheme was workable.

Chairman.

14,859. I think, having put that point, you must ask Mr. Churchill to give you an answer?—My answer is that I rely upon the verbatim transcript. I am not aware of anything I have said which is inconsistent. Sometimes an answer goes at a slightly different angle, but I would like to wait and see what has been reported.

Sir Phiroze Sethna.

14,860. You attach very great importance to the responsibility of Parliament to look after the interests of what you call mostly very poor and quite primitive people in the country?—I did not say that. I said something very like it.

14,861. In paragraph 15 I think you say that?—Let us just see. I do not think I said that. I said something

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very like it, but just one or two alterations will make a difference. I think I said mostly very poor and many quite primitive people.

14,862. I am sorry I omitted the word "many"—I do not wish it to be suggested that I said that all these masses of the Indian population were very primitive people. That would be derogatory and I would not say it. Mostly they are very poor and many of them are quite primitive.

14,863. That is the view advanced by yourself and others of your way of thinking?—Yes.

14,864. Would it be fair to ask if, rather than that, the real intention of those who oppose the White Paper was properly conveyed by you in a letter which you addressed in December, 1932, to the Conservative Conference which met at Blackpool and at which you were unable to be present owing to your illness?—The sentence is as follows: "The loss of a group of agricultural counties of Southern Ireland can be supported, but the loss of India, the central glory of the British Empire, will not only sound the death knell of our greatness, but destroy the very means of livelihood of millions of this island and especially of Lancashire." I say that this argument which is advanced by you and your friends about looking after the interests of the masses is, so to say the least, a mere camouflage. The real object is what I have quoted from your own letter?—Quite untrue.

14,865. If you say it is untrue are we to assume that the British people and Parliament here have been taking a greater interest in the welfare of the masses than the Indians would if they were given responsible government, and do you think they will neglect the interests of their kith and kin?—I think that undoubtedly the masses of India have derived enormous benefit from the contribution which Great Britain has made to Indian progress, and I see no inconsistency or contradiction at all between saying that the British connection with India is not only beneficial to the Indian masses, but also is beneficial to large numbers of our people here; the benefits which flow from trade and connections are by no means limited to one or other of the parties; they multiply themselves increasingly to both parties.

14,866. I have not denied for a moment the value of the British connection with India, but I put it to you that the

Indians themselves must perforce have a greater regard for their own kith and kin than the British Parliament which is 6,000 miles away?—I do not agree with that. I think if you look at what happened in China you will see that however much people may have regard for their own kith and kin it very often happened in the history of Asia that poor people had very rough treatment from their own kith and kin.

14,867. Then I should like to ask you whether in your opinion, since certain subjects have been transferred and are under the control of Indians, those Indians have not looked after the interests of their own kith and kin as well as and better than the British?—I have answered that already. I am making no suggestion that they have not desired in every way to do so, but I have been led to believe that there has been a certain deterioration in some of the services, not, however, a deterioration in my judgment sufficient to make us lose heart within the limits which I now propose for a further advance.

14,868. In May, 1933, Mr. Churchill, speaking at Manchester, you said: "This White Paper is not a Constitution; it is a paradox, it is an elaborate grimace. At no part or period in its structure is there confidence, trust or decision. It is a jumble of contradictions and needlessly fomented antagonisms. It is an amalgamation of small expedients and counterchecks. It is a gimcrack edifice built up of odds and ends by the pygmies." Will you tell us in what way your proposal is superior to this?—I am referring to the whole of this elaborate structure of a Federal Parliament, Government of All India, with Ministers, partly responsible and partly not, and with all the reserved services so important, touching perhaps three-quarters of the whole field; it is to all that picture that I am referring. I am certainly not referring to a sensible matter of fact effort to build up self-governing administration in the Provinces.

14,869. You regard your scheme as a panacea for all ills?—Not at all. God forbid! On the contrary, I regard it as a slight improvement upon the proposals of the Statutory Commission and as a marked improvement against the proposals of the White Paper.

14,870. It offers distinctly less than the White Paper. That is so, is it not?—Certainly.

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14,871. And in the opinion of those who have recently returned, men who have filled the highest positions, what the White Paper offers may not satisfy the Indian public. Do you think in that case that your proposal will carry weight with them?—You can judge as well as I can and better, but I am much interested in your statement that even the White Paper will not get that good will which is essential.

Sir Phiroze Sethna.] Not from all sections in India.

Sir Hari Singh Gour.

14,872. I see from your paragraph 1, Mr. Churchill, that you have admitted that your direct knowledge of India is far remote and that you derive your information from the perusal of confidential papers on Indian affairs and from the discussions and decisions required thereupon. Is that so?—I do not wish to alter the words of my paper.

14,873. Are those confidential reports to which you have had access confidential reports to which other members of the Cabinet have also had access?—Yes.

14,874. And are not the discussions to which you refer discussions available to other members of the Cabinet?—Yes.

14,875. Are you aware of any other member of the Cabinet who holds the view that you hold on the subject?—Do you mean members of the Cabinets of the past? I should like to read you what Lord Morley said about this proposal to give a Parliament at the centre to India.

14,876. I have read his "Recollections," and I think you are quoting from his book?—I learned a great deal under that great man. I will not trouble you by reading it.

14,877. Then I take it it is a mere matter of inference. You draw one conclusion; others draw other conclusions from the perusal of the papers and the discussions that you refer to?—That is inevitable.

14,878. Now in your evidence you spoke of the inalienable right of Parliament. You said that Parliament can delegate authority but cannot transfer authority to any constituted authority in India. Did I understand you aright?—I must adhere to the words of my paper. I said inalienable responsibility.

14,879. What do you mean by an inalienable responsibility? Is it a fetter upon the sovereign right of Parliament?—I really cannot find any word which

expresses the meaning I wish to convey better than the word "inalienable."

14,880. Do I understand you to mean that the word "inalienable" in your mind means a right which Parliament is incompetent to transfer?—No. Parliament would be capable of doing it, but in my opinion it would be, if it did it imprudently and improvidently and great disaster occurred and great misfortunes arose thereafter, a reproach which would lie upon Parliament.

14,881. Then it is more a question of Parliamentary propriety than a question of constitutional right that you use the expression, inalienable responsibility of Parliament?—I dare say.

14,882. Now you have said that you stand more or less by the Preamble to the Government of India Act and to Section 84A of that Act. Are you aware, Mr. Churchill, that the Government of India Act and Section 84A of the Act deal with British India only? Will you please look at Section 84A?—I am aware of the scope of the Act.

14,883. And you know there are two Indias—greater India and India?—Yes, I am aware of that.

14,884. Are you aware that the development of Greater India, which includes British India, has proceeded on different lines from the constitutional development of British India?—You mean the Government of the Princes of India?

14,885. No. I mean the Government of India; that is to say the international status of India has been far in advance of the constitutional development of British India. Are you aware of it?—I should like to see what point you are leading up to.

14,886. I will explain it to you. In the Imperial War Conference of 1917, with which I am quite sure you are familiar, the ninth resolution was passed in the following terms, and I invite your attention particularly to the closing words of that resolution: "The Imperial War Conference are of opinion that the re-adjustment of the constitutional relations of the component parts of the Empire is too important and intricate a subject to be dealt with during the War, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities. They deem it their duty, however, to place on record their view that any such re-adjustment, while thoroughly preserving all existing powers of self-government and complete control



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of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same, should recognise the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and should provide"—mark these words—"effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine." That was the recognition of the right of India, not only to a status, but to a position similar to that enjoyed by the Dominions now known as the self-governing Dominions of the British Commonwealth. Is not that so?—From the quotation you have read it seems to me that the statement in regard to India is carefully differentiated from the statement in regard to the self-governing Dominions, and, although much of the language flows together, there is a differ-

ence introduced, but, as I have said, I consider that all these statements are gathered up together and presented in statutory form in the Preamble to and in the Section of the Act of 1919, to which I have referred.

14,887. I am afraid that is exactly the point upon which I wish to correct you. This statement of 1917 deals with India, whereas the Preamble of the Government of India Act deals only with British India, and Section 84A of the Government of India Act, to which you have made repeated reference, only deals with the future development of British India. I am taking your mind to Greater India, namely, British India-cum-Indian States. The position that was accorded to this Greater India in 1917 is enunciated in the ninth resolution of the Imperial War Conference<sup>2</sup>—And effect was given to that to the full extent of the intention by the representation that India enjoyed at the Imperial War Cabinet and upon the International Conferences which followed the War.

(After a short adjournment.)

Sir Hari Singh Gour.

14,888. I shall read the passage from a speech of Sir Austen Chamberlain later when he comes and joins the Committee. In the meantime, I wish to point out to you, Mr. Churchill, that the evolution of India as distinct from British India has proceeded upon a line distinct from the constitutional framework in the Government of India Act of 1919, and I want to point out to you that, in consequence of the declaration made in 1917 in the ninth resolution of the Imperial War Conference, India was given a place alongside of the other self-governing dominions in that she was made to sign the treaty of Versailles, was admitted as a foundation member of the League of Nations upon its establishment in 1919, has been in her own right admitted to the several Imperial Conferences and international bodies, and became a party to the Kellogg Pact and the other treaties which had been entered into by her or on her behalf, and the other National Governments. My submission, therefore, is that your English institution is not a written constitution, but has evolved out of usages, practices, understandings and arrangements, and that this greater India, commencing from the declaration of 1917 down to the establishment of the Statutory Com-

mission in 1927, has become so assimilated with the practice which gave the dominions the status which culminated in the enactment of the Statute of Westminster in 1931. Now, the question I wish to put to you is this: when we speak of India, and the political stature of India, we are speaking of quite a different entity from the British India to which the Government of India Act applies and that as regards even the Government of India Act it is not exhaustive and self-contained. May I point out to you that a Joint Committee of British Parliament reporting on the Government of India Act at pages 26 and 27, made this point perfectly clear? They wrote as follows: "A satisfactory solution of the question" (they were dealing with the question of the fiscal autonomy of India) "can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown, and neither of these limitations finds a place in any of the statutes of the British



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Empire. It can only therefore be assured by an acknowledgment of concession. Whatever be the rights of fiscal policy for India for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa." Here you have the implementing of the Government of India Act by a Convention which was recognised by the Joint Select Committee of Parliament, and which has been given effect to ever since the enactment of the Act of 1919. Now, do you not recognise therefore that the Government of India Act, dealing as it does only with British India, is incomplete and has to be supplemented by reference to conventions of the kind I have mentioned?—I am very grateful to Sir Hari Singh Gour for having put these matters so very lucidly. They are very important matters. I need scarcely say I shall endeavour to assimilate them with my general view if I possibly can.

14,889. The point that I am making now is this, that when you have been referring so frequently to the Government of India Act, you are only dealing with the statutory piece of legislation which is not, all in all, dealing with British India and when you deal with the greater India, the Government of India Act is necessarily silent because it deals only with British India?—Then, of course, I would be forced to point out the very great distinction in fact, though not in form, between the representation of India upon the Inter-Allied War Councils and International Conferences, and the representation of the self-governing Dominions, like Australia and Canada. Whereas these self-governing Dominions were virtually independent states, though bound by close ties to us, and their Prime Ministers were the heads of Governments elected on democratic franchises the representatives of India were very eminent personages who owed their position solely to the nomination of the Secretary of State. There you see exactly that profound difference between the recognition of her rank and of her status in an honorific manner, and the practical assertions of power implied in the representation of the self-governing Dominions.

14,890. It then comes to this, that the terms of the resolution of the Imperial

War Conference of 1917 have not been carried out because, let me remind you, it was stated in that resolution. "It should recognise the rights of the Dominion of India to an adequate voice in foreign policy and in foreign relations, and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern"?—Certainly; I do not see how that has not been carried out.

14,891. Therefore the mere fact that somebody responsible for carrying out the policy laid down by the Imperial War Conference has failed to carry out that policy, does not do away with the fact that there was a recognition of India's right to the same extent as the right of the Dominions to control her external policy?—No, I do not quite agree with that. I could not quite accept that, but I do entirely endorse the action taken by the Imperial Conference in 1917, and the legislation that has come into existence since. I accept that.

14,892. And you further accept that it was in consequence of the resolution of 1917 that the Statute of Westminster was passed when it was passed?—That is so.

14,893. The Balfour Committee was appointed in consequence of this resolution where a promise was held out that a further investigation will be made on the cessation of hostilities?—I should like to know what is the view of His Majesty's Government as to whether anything said at the Conference of 1917 requires us to establish a Dominion constitution on the Statute of Westminster basis in India in any period which it is useful to consider. I should like to know their view, and I think you gentlemen ought to find out their view on that.

14,894. I want your valuable co-operation in obtaining their views?—You shall have it.

14,895. What is your personal view? Having been given the facts, what is the conclusion to which we are irresistibly drawn?—My conclusion is that in all that makes for the honour and status and representation of India, and of our Indian fellow subjects all over the world, not only in their own country, everything possible should be done, but in what affects the essential relations of Great Britain and India and what affects the wellbeing of the broad masses, there we must be guided by

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practical considerations as to whether a good result will at any given period be achieved or not.

14,896. Do these qualifications occur in or underlie the declaration to which I have referred?—These qualifications are implicit, in my opinion, in all of the declarations that have been made by any of the British representatives or agents.

14,897. Would you say they were also implicit in the case of the Dominions?—No, because I think there is a great difference, in fact though not in form, which I have tried to point out probably with less refinement than such a very fine constitutional argument requires. There is a very great difference between fact and form, and it was never intended and never meant, and I do not believe ever really understood, that by anything that happened in 1917, or anything that happened in 1919 or 1921 India was going to receive an Australian or a Canadian constitution straightaway, or in any period which we could reasonably foresee.

14,898. Then in what way should we carry out the pledge which was given by the Joint Select Committee that in matters of fiscal autonomy India should be treated exactly on the same footing as Australia, New Zealand, Canada and South Africa?—As a matter of fact, has that not been the practice?

14,899. It has been the practice?—Then where is the grievance?

14,900. So that is an attribute of Dominion function which India has at present as distinct from Dominion status?—The practice of the British Government in regard to fiscal matters connected with India has run over a good many years. It rests upon a statement that if the Viceroy is in agreement with the Government of India upon a particular measure, the Secretary of State will not interfere, but, of course, you must again go behind that if you are distinguishing the fact from the form, and remember that the Viceroy is appointed by the Crown on the advice of Ministers of the British Parliament, and therefore, although it appears and should I think be very much in the form in which it has been worked, there is a difference, and the difference should not be overlooked.

14,901. That point was adverted to somewhat in the following language of the Joint Committee. They say "generally speaking"?—What do you mean by the Joint Committee?

14,902. By the Joint Select Committee of Parliament which reported on the Bill which became the Act of 1919?—Yes, the former Committee.

14,903. Yes. They say that in the exercise of his responsibility to Parliament which he cannot delegate to anyone else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and Legislature of India are in agreement?—I agree with that.

14,904. Are these not attributes of Dominion function as distinct from Dominion status?—There seems to be read substance in that, certainly.

14,905. Therefore, India has got beyond the mere status of a Dominion—even British India, I am speaking about?—Has got beyond what?

14,906. The mere stage of Dominion status in those matters, the mere honorific or ceremonial rank of a Dominion?—Yes.

Marquess of Reading.

14,907. We have been talking about the fiscal convention and comparing it with the Dominions, but there is this distinction, that in the fiscal convention, there must be agreement between the Government of India and the Legislature, and the Government of India is, under present conditions, not in the same position as the Government of a Dominion. I want to point that out?—Yes.

Sir Hari Singh Gour.

14,908. It is with reference to what fell from Lord Reading that I read the passage that the Secretary of State will stand aside in all cases generally where the Government of India and the Legislature are in agreement. Therefore to that extent the shadowy control of Parliament and the Secretary of State in fiscal matters disappears, and it is that attribute of fiscal autonomy that I regard as a substantial concession to India which distinguishes India from being merely a Dominion in form, and makes it a Dominion in substance *pro tanto*?—I am not going to go out of my way to quarrel with that. I am very glad that Sir Hari Singh Gour is pleased with that, and I am glad of his tribute and that the progress we have made towards that far distant goal in that respect has been so fully recognised by

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him and his colleagues on the Indian Delegation

14,909. I only want that an adequate machinery should now be devised to give India a greater reality than what she has in the exercise of her rights now under fiscal convention and that cannot be done under your scheme?—Nothing in my scheme affects the existing practice. You call it my scheme but I call it the proposals for modifying the Statutory Commission report. That is what I call it. Nothing in that affects the ordinary practice of the India Office in dealing with those questions. There might be something to be said about it at a later stage, but there is nothing which I have said to-day which touches that.

Marquess of Lothian.

14,910. The fiscal convention under your scheme would remain in existence?—Under the proposals for modifying the White Paper which I have put forward, there is no mention of any change in the existing practice in regard to fiscal matters in India, but it is perfectly clear that that convention rests upon the fact, as Lord Reading has pointed out, of an agreement between the Government of India and the Assembly, and it must also be noticed that the Government of India itself is largely a projection of the decisions of the Crown upon the advice of Ministers of the British Parliament, which decisions are taken from time to time as vacancies occur. Consequently, it would be unfair to state that India has complete fiscal autonomy at the present time. It would not be true. But that she has a very great measure and that everyone would be abhorrent to the idea of a one-sided exploitation, for instance, on any question between the two countries is common ground, I imagine, amongst us all.

Sir John Wardlaw-Milne.

14,911. Mr. Churchill, you would agree that it has been the practice that India has had this freedom in fiscal matters since the bringing into force of the Fiscal Autonomy Convention?—I agree that the Viceroy, who is appointed on the advice of Ministers, has, when in agreement with the Legislature in India, not been overruled, formally, by the Secretary of State. That does not at all mean that many communications do not pass upon the subject before action is taken, and should do.

14,912. Quite, but you are in favour of that continuing?—No, I did not say that. I said that nothing in the Paper which I have written for the Committee raised any change in that matter.

14,913. Will you give the Committee the benefit of your advice upon that very important point?—I think if we reached some point where there was a very great feeling of general good will, a claim might be put forward on behalf of this country that while it assumes all the responsibility for the defence and security of India, and if it could be shown to be faithfully proceeding upon the general lines of its policy, discriminatory duties should not be put on and that the principle of Empire Free Trade should be given effect to as far as possible with the exception of, of course, *bona fide* revenue duties. That is not a matter which, I think, should be done except with a very broad measure of acceptance and agreement between the different parties involved.

14,914. As things are to-day, you would not be prepared to advocate the continuance of the present Convention—as things stand at this moment?—I have not opened that topic at all in any evidence I have sought to give before the Joint Committee.

Sir Samuel Hoare.

14,915. Could not Mr. Churchill give the Committee the benefit of his view as to whether the Fiscal Autonomy Convention as defined by him should continue?—I think I have really answered that when I said that a situation might arise in which the fiscal relations between the two countries would have to be reopened, but that it certainly should not be reopened in any one-sided spirit of one set of the interests concerned in this commercial matter asserting their rights and their claims, without the consideration of the other; but, at the same time, I do consider that while we are the defenders of India from aggression, whether by land or by sea, we have a very considerable claim to be heard with our Indian fellow-subjects and friends in regard to the treatment which affects the entry of our goods into India not only as against foreign countries but as against the Indian Home Trade.

Sir Hari Singh Gour.

14,916. *Inter se*?—I certainly think so, but I believe there is a fertile field there for friendly exploration of that

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problem and we might be found to have additional advantages which we could give in return for consideration which would be helpful to our own people, but it is certainly not a matter to be settled by the rough hand of power or authority in that way. It is a matter to be settled by a patient statement of the case. Just as you have a case which you courteously, skilfully and patiently deploy, so we have a case which we should similarly deploy as occasion serves.

Sir Samuel Hoare.

14,917. Arising out of what Mr. Churchill has just said, would he then say that the present state of affairs should continue until agreement is reached by both sides for a change?—I would not go so far as that, but I would say until there was a sufficient measure of agreement and good will to make it clear that it was not the imposition by Government authority of a view from one side or the other.

14,918. What sort of evidence would Mr. Churchill accept? I was not clear from his answer exactly what he meant by "agreement." I am very anxious to know what is in his mind about "agreement"?—I am not prepared to define it.

Marquess of Lothian.

14,919. Would you accept the Legislature as being the body who would give the agreement from the Indian side as provided by the Convention?—No; not necessarily. I do not wish at this stage to define those conditions. I think that they would have to be judged as a whole. The situation would have to be judged as a whole, but that there are very fertile fields of inter-Imperial trade into which both India and Great Britain could enter, and from which they could both reap very large advantages, I have no doubt, and by some agreement we have got to endeavour to study that with our Indian friends.

14,920. You are not prepared to define who in those circumstances would speak for the Indian side of the general measure of agreement?—I do not think I could with advantage plunge into that, but certainly with notice I suppose I could give you a more detailed view. I rather hesitate just by question and answer to speak on a matter which everyone knows is a most delicate and burning matter.

Sir John Wardlaw-Milne.

14,921. May I put this last point to clear up what Mr. Churchill has said. Do I understand that your view, Mr. Churchill, is that where purely British interests may conflict with those of India, as things stand at present you would not be prepared to continue what has been the practice of the last few years, that is, that India should have freedom to decide by itself without practical interference by this country?—I do not think it is true to say that India has had freedom to decide by itself. The Viceroy and the Legislature must agree. The Viceroy is an official appointed by the Crown on the advice of Ministers responsible to Parliament and recallable by any strong resolve of Parliament at any time and replaceable by any other individual who may be chosen to carry out the will of Parliament. Therefore, it is not true to say that there has been complete fiscal autonomy.

Sir Samuel Hoare.

14,922. In actual practice, can Mr. Churchill recall any case in which pressure has been put upon the Viceroy to enforce the view of the British Government and the British Parliament against the Viceroy's own view and against the view of the Indian Legislature?—It is always very difficult to follow the sources of action to their very fountain spring in some of these matters. Obviously, communications have passed between the Secretary of State on many occasions and the Viceroy in regard to the incidence of particular Empire Duties, and great consideration is no doubt given and ought to be given to the views of the Secretary of State by the Viceroy, and a great deal is adjusted behind the scenes, as it ought to be, in a friendly manner, and the resulting proposals are naturally accepted, but that is not anything like the same complete fiscal independence as is enjoyed by Canada and Australia.

14,923. I am afraid that did not answer my question. I did not ask about correspondence passing between the Viceroy and Whitehall. I asked whether in actual practice pressure had been put upon the Viceroy and the Indian Legislature to alter their own views upon questions of this kind?—That depends at what stage their own view is formed, but to pretend that correspondence can never involve pressure is, I am quite sure, not a position which the Secretary of State would adopt.

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14,924. Certainly not. That is not the question I asked Mr. Churchill. The question was whether he could recall any instance in which this pressure had actually been put upon the Viceroy and the Legislature?—I have not the permission of the Crown to reveal any Cabinet secrets which might occur to me at the moment.

*Sir Hari Singh Gour.*

14,925. Do I understand you, Mr. Churchill, to say that this recommendation of the Joint Select Committee of 1918 has remained for all practical purposes a dead letter?—No.

14,926. That it has not been given full effect to, as it was intended it should be given full effect to, giving India the same freedom as Australia enjoys?—In what respect?

14,927. In respect of Fiscal Autonomy?—I think the practice is well-known and everyone knows what it has been, and everyone can judge by seeing what has happened as to how far the resolution has been given effect to.

14,928. I am asking you to sum up in one word that the Fiscal Autonomy Convention to which I have referred has not been operative to the same extent as it has been in the case of Australia, Canada and the rest?—So far as I am aware the statement of the Secretary of State that when the Governor-General and the Assembly have been in agreement there has been no interference from here is quite well-founded.

14,929. Therefore, that is now a very defined attitude of Dominion Function as distinct from Dominion Status?—I am very glad there should be. Perhaps I understated it when I suggested that we had only advanced in status. There is an advance in function too, certainly, and I should welcome any practical advance in function as well as in status.

14,930. May I draw your attention to Clause 9 in the Instrument of Instructions issued by the King to the Governor-General. The words are as follows: "For above all things it is our will and pleasure that the plans laid by our Parliament for the progressive realisation of responsible government in British India as an integral part of our Empire may come to fruition to the end that British India may attain its due place amongst our Dominions. Therefore, we do charge our said Governor-General by the means aforesaid and by all other means which may to him seem fit to guide the course

or our subjects in India whose governance we have committed to his charge so that subject on the one hand always to the determination of our Parliament and on the other hand to the co-operation of those on whom new opportunities of service have been conferred, progress towards such realisation may ever advance to the benefit of all our subjects in India." The words I wish to emphasise are "to the end that British India may attain its due place amongst our Dominions"?—But there is as much emphasis to be laid upon the words "its due place" as upon any other part of the phrase.

14,931. But due place is to be given not outside the Dominions but amongst our Dominions?—Certainly.

14,932. Then you recognise that that is the established policy which you are prepared to endorse?—I think that all belongs to the sphere of Dominion Status, but does not involve the grant of an Australian or a Canadian Status.

*Mr. M. R. Jayaker.*

14,933. You mean that "due place" does not necessarily mean an equal place?—"Due place" does not necessarily mean an equal place in function, but in the honorific aspect I think the idea of equality takes its part.

14,934. I am speaking of the Constitution. You mean that "due place" does not necessarily mean an equal place in functions of the Constitution?—No, it does not.

*Sir Hari Singh Gour.*

14,935. Is there anything in this paragraph to suggest that?—No, I think the paragraph has been very carefully expressed.

14,936. There is nothing to suggest it and nothing has been suggested except by yourself?—We have a better definition in the Preamble to and in Section 84A of the Act of 1919.

14,937. Again you are I fear forgetting. I have been trying to impress upon you that we are dealing with two Indias—British India and India. The evolution of India has been on a larger scale than the evolution of British India and I was striving to point out that even as regards British India the Government of India Act is not exhaustive, because its terms are implemented by other facts such as the fiscal convention, and that outside the Government of India Act we have the declarations and India's co-operation in the League of Nations and

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international bodies which place it on exactly the same footing alongside of the other Dominions. That is the point I was trying to make?—I am glad that it should be so, and I am partly responsible, with others, for the course of events that has made it so.

14,938 I congratulate you upon it?—Let us rejoice together.

14,939. How will this scheme of yours further the progress of India towards this goal of becoming a self-governing Dominion?—My proposal deals with an entirely different branch; it has nothing whatever to do with the question of what you call a larger India at all. That is another question. It deals with a much more humble and much more practical and, in some ways, more important process of good self-government in the Provinces. Good Home Rule in the Provinces is what I am interested in. Therefore, they do not clash at all. What happens now is that for the moment there is no advance on what you may call the Dominion Status or sphere because, as you said, that has got ahead of the other. What we are now trying to do is to pull up the Provincial Home Rule aspect so that the institutions which are growing up in India shall enjoy life and health and bring them into closer correspondence with the Dominion Status as defined and as accepted by you, which India enjoyed in the War Councils and the Peace Treaties.

14,940. There are only two or three questions more that I want to put to you, Mr. Churchill. One question I was going to put to you was this, that you admit that India in its Dominion functions cannot make any further progress under your scheme—India as a whole, apart from British India?—No, I have not made any such admission at all. I have not dealt with the general point.

14,941. May I put it to you that India makes international commitments and is entitled to do that under the agreement, because it is entitled to make effective arrangements for continuous consultations on all important matters of common Imperial concern?—It seems to me that you are making a very vigorous defence of all that we have done up to the present time.

14,942. Let it be so, but please answer my question. India enters into international commitments. How is she going to execute and carry out those commitments unless she has the power to do so, and that can only be done if she has

got internal autonomy, control over finance, and so on?—There, you see, you begin to raise a very large issue. I think it has been most helpful. I am so grateful to you for your questions. I hope I have learned as much from your questions as you have learned from my answers. That is the argument, that Dominion Status is to be converted into Dominion Constitution and forthwith, or quite soon.

14,943. Now one last question which I wish to put to you, Mr. Churchill, is this. You admit that you have not first-hand knowledge of India. We have. You further admit, and it is a fact, that you have first-hand knowledge of England?—Yes.

14,944. I see from a speech published in "The Times" of the 8th July, 1933, the following passage occurs?—Is it a speech by me?

14,945. By you, yes. "Mr. Winston Churchill, addressing his constituents at Epping last night, expressed his intention of continuing his opposition to the proposals of the White Paper on India," and then occurs the following passage to which I wish to draw your attention: "India is vital to the well-being of Britain, and I cannot help feeling very anxious when I see forces from which our population is largely supported being gradually diminished; foreign investments are slowly shrinking and shipping is at a low ebb. If to these we add the loss of India in one form or another, then problems will arise here incomparably more grave than any we have known. You will have a surplus population here which it may be beyond the power of the Government to provide for effectively." May I take it that, knowing as you do your country, your angle of vision is more or less obscured by what you consider to be the interests of England as distinct from the interests of India?—No, I think that all legitimate interests are in harmony. I could make a speech of exactly the same kind, though the phraseology would be different, if I were endeavouring to explain to an audience of your countrymen the advantages they gained from the British connection and the loss which they would suffer if it were broken. There is no decided reason why one good set of results should exclude another good set of results.

Dr. B. R. Ambedkar.] My Lord Chairman, may I ask a question with your permission?

Chairman.] If you please.



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Dr. B. R. Ambedkar.

14,946. I just want to ask you one question, Mr. Churchill. Do you make any distinction between responsible government and Dominion Status?—Oh, yes. Responsible government has many interpretations, many that we know in practice and we have seen. Responsible government may mean serious, real, important functions transferred to the discretion of a Provincial or local body, or it may mean the various degrees of responsible government which have a technical understanding in the language of the Dominions and Colonial Office, namely, Ministers responsible to the Assembly and so forth, but there are very considerable gradations in the history of our outlying Dominions and Empire in the exact form of institutions, which would be all covered by the term "responsible government."

Sir Hari Singh Gour.] This was the passage I wanted to refer you to, Mr. Churchill—the speech by Mr. Chamberlain, now Sir Austen Chamberlain, the Leader in the House of Commons, on the 6th of August, 1918, Hansard, pages 1207 and 1208: "This year"—that is to say, 1918—"apart from the Secretary of State, who sits in the Imperial War Cabinet"—

Marquess of Salisbury.] Might I just ask, My Lord Chairman, for our guidance, is Sir Hari Singh Gour cross-examining the witness or cross-examining Sir Austen Chamberlain?

Sir Hari Singh Gour.

14,947. I am neither cross-examining the one nor the other. I am only questioning Mr. Churchill?—He is going to ask my opinion of what Sir Austen Chamberlain said.

Sir Austen Chamberlain.] Deal gently with me.

Sir Hari Singh Gour.] "This year, apart from the Secretary of State, who sits in the Imperial War Cabinet as one of the British Ministers dealing with Imperial affairs, India sits there in her own right, represented by an Indian Prince and an Indian gentleman whose distinguished career is familiar to this House. More than that, in the light of the discussions which took place and this year in the Imperial War Conference, a new recognition has been given to the equality of the Status of India and to her right of reciprocal treatment between the Dominions and India or Great Britain and India and their re-

spective citizens. In these matters within the last few years India has leapt suddenly into a place which is equal with other great portions of His Majesty's Dominions, and her representatives sit with them in great Imperial Councils just as and perhaps partly because, as my right honourable friend has said, in every theatre of this War her troops have fought beside our own and those of the rest of the Empire in defence of our common cause." The question I put to you is that Sir Austen Chamberlain was here dealing with Greater India, with the new functions and new responsibilities. Perhaps I may state, Sir Austen, that before you came I was trying to show to Mr. Churchill that we are not here dealing with India as if it were a single India. We were dealing with India which includes British India-cum-princely India and that the Government of India Act deals only with British India. I was trying to point out that in her larger conceptions of India the functions which she acquired were those of a character of a self-governing Dominion and that these functions were not merely matters of Status, but matters of Dominion Constitutional rights and that Sir Austen Chamberlain in the House of Commons recognized the existence of these rights which have placed India alongside of the other Dominions.

Sir Austen Chamberlain.] It is rather inconvenient, if I may say so, with all respect, to examine a witness by reference to the previous statements of a Member of the Committee who is not in the box. I was describing a state of things which then already existed. I was not foreshadowing a state of things which was at some time to be created.

Sir Hari Singh Gour.

14,948. I was only dealing with one aspect of the question, namely, the rights which India had acquired on the date when Sir Austen Chamberlain categorized her powers and rights in the House of Commons. So that India, as distinct from British India had in 1918 acquired something more than a mere Dominion Status?—I am quite content with the statement which Sir Austen has made.

Sir Hari Singh Gour.] But does not it amount to this, that India had acquired in 1918 something more than a mere Dominion Status?



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*Chairman.*] I hardly think, Sir Hari Singh Gour, that you desire to press this question any further.

*Sir Abdur Rahim.*

14,949. I have only one or two questions to ask to clear up the position that I understand has been taken by Mr. Churchill. I am not going to deal with the question of Dominion Status and Dominion function or Dominion government or Constitution, but I should like to know if the responsibility for the government of India be placed upon Legislatures, Central and Provincial, would that amount to Dominion Constitution or not?—It would all depend upon the reservations that were made.

14,950. Supposing there were no reservations, supposing the reservations had lapsed or had been done away with, then in that case would it be complete Dominion Constitution or not?—I think so. I should like to look all round the question, but it seems to me that complete absolute responsible government without reservation of any sort or kind conferred upon the Ministers arising from freely elected Legislatures, central and local, in India would be indistinguishable from the Colonial Constitutions, the Australian and Canadian Constitutions, which now exist. I do not see the difference myself.

14,951. That is what I thought. I will just put to you the language of the declaration of His Majesty's Government in January, 1931?—But that is not the whole language of His Majesty's Government in 1931. Much as I differ from them, I am sure that it is not the whole language.

14,952. Once the transition period is tidied over, then in that case there would be the whole responsibility for the Government of India placed upon the Legislatures, Central and Provincial, and then in that case it would amount to Dominion Constitution?—It is very important, after all we have gone through and all the mistakes that have been made that there should not be misunderstandings. This transition period is used to try to bridge a gulf, which in fact is not being bridged, and it is understood on one side of the argument in one way, and understood or taken to be understood on the other side in the opposite sense. I think that is very dangerous. I take very strongly Lord Birkenhead's point of view: "Tell

the truth to India." Whatever complaints you have against me, I will try absolutely to say what I think we ought to do and not lead to any misunderstandings because we have in our minds somewhat different interpretations.

14,953. If I may respectfully say so, I quite agree with you that you ought to tell the truth to India and we ought to tell the truth to England?—Quite right.

14,954. We ought to be frank with each other?—Hear, hear.

14,955. May I in connection with that declaration also remind you of the speech made by the Prime Minister? I am perfectly sure you have read the speech which he made to the First Round Table Conference at the end of its sessions?—Yes.

14,956. There he said that the Constitution which he adumbrated in that declaration on behalf of His Majesty's Government would give India the only thing that was needed to give India Dominion Constitution?—I do not think it was correct if he said that. I have not verified or studied his words, but I do not think that is correct, and I do not think the White Paper policy embodies or carries out anything like that.

14,957. I beg your pardon. He said the status of a Dominion. When I used the word "Constitution" I made a mistake; but if you take the declaration as a whole and his speech as a whole, I think you will agree that he made no distinction between status and Constitution government?—I am continually deploring the utterances of the Prime Minister.

14,958. That is another matter. Then you have laid down very emphatically and clearly that Parliament should not alienate its responsibility for the good government of India. I am sure you have studied the White Paper proposals very carefully?—Yes, as well as I can.

14,959. Then may I know from you, supposing the Governor-General and the Governors of the Provinces are vested with powers to legislate, to appropriate moneys and revenues, to pass any administrative orders, vetoing any legislation by the Legislatures, to overrule the Minister in any administrative action in exercise of his special responsibilities, which cover the whole field of administration, would you still call that abnegation of the authority of Parliament?—I think it is a course which, while not giving a real, full, effective satisfaction to the Indian

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political classes, weakens in principle and in practice a great many of the ties and controls which I think it is desirable for us to maintain until Provincial government is proved to be a success.

14,960. I have followed that, but we have been told unhesitatingly by the Secretary of State that the chain of responsibility in the Provinces, for instance, would be the Governor, the Governor-General, the Secretary of State and Parliament. and then the Governor and the Governor-General are invested with all these unlimited powers over the entire field of administration, and they are agents of Parliament. Now does that amount in any way to alienation of the responsibility of Parliament?—I think it does, unless you take steps to follow up the quality of administration in the Provinces. One of the things I wish to see us avoid is saying, "We will hold on very firmly to those special points of British interest like the control of the Army, the finances and so forth, but as for the administration of the cultural and the social services, that is a matter which Indians can manage or mismanage for themselves." I should deprecate our taking that view, although I should like to go some distance.

14,961. Then just one question regarding the welfare of the masses. I am not quite sure whether you told us or implied that the interests of the political classes, or intelligentsia, as you may call them, are in conflict with or in any way inconsistent or in what respects inconsistent with the interests of the masses. I do not know whether that is your opinion—that the two interests are in conflict in any way?—I think, for instance, Mr. Gandhi's Non-co-operation Campaign or Civil Disobedience Campaign was one which did very little good to the masses and was a movement which caused a great deal of distress and did not achieve any remarkable advance or alter the basis of the controversy, as a whole; in fact, if it altered it at all, it altered it rather to the detriment of the side which he represented. That was a case where undoubtedly the Intelligentsia gave wrong guidance and where in pursuing their political aims they led great numbers of humble people into misfortune; that is only an instance, but I have no doubt many other instances could be adduced.

14,962. I quite understand as regards the Civil Disobedience Movement being

against the interests of the masses, but may I enquire if you mean that the Civil Disobedience Movement of Mr. Gandhi was in the interests of the politically minded classes?—Those politically minded classes who took part in it thought it was.

14,963. Yes; but I should like to know your opinion, Mr. Churchill, if you will kindly give it me?—Very often one embarks upon a movement with the feeling that it will be in the interests of one's cause and after a short time one realises one has made a mistake, that certainly happens over here; I do not know whether it ever happens in India.

14,964. Then it is really a matter of opinion. As regards the social services, of course, you have read the Report of the Statutory Commission?—Yes.

14,965. And Sir Walter Layton's Report on the Financial Position of India?—Yes.

14,966. You may remember that Sir Walter Layton says—that was in 1930—that so far as the social services are concerned the activities of Government were practically nil—non-existent?—What are you referring to by "Government"—the transferred services?

14,967. The Provincial Government, yes, because of want of money, because these social services were in charge of a Minister responsible to the Provincial Legislature. You have suggested that there should be an Inspectorate employed by the Central Government in order to see how these social services are carried on and that the Central Government should supply the funds necessary for carrying on all those services; and therefore they will also have the power to see how those funds are applied and how those services are administered. I do not know that you have thought out whether it is possible for the Central Government with the resources at its command even at present to finance these services, or that they would not be obliged to resort to further taxation?—Of course, India is a very poor country if you take the amount of wealth to be divided amongst its immense population. Undoubtedly one cannot expect anything like the same high level of social service that you get in a wealthy Western country, but what I am anxious to do is to make sure that there is no retrogression, because that would be injurious to the hopes that are founded upon the success of Provincial Home Rule.

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14,965. In the Report it was also pointed out that for the present, to make a beginning, there ought to be at least 40 or 50 crores available to the Provinces. What I am suggesting to you is this, that for that purpose it would be necessary to have further taxation, and that taxation would only be had if you got the support of the politically minded classes?—Whether it would be a good thing to have a great deal more taxation on these very poor people or not, even to achieve a somewhat higher standard of social services, is a very arguable question. I think it is quite possible that the very large masses in India would dread an addition to their burdens, and perhaps would prefer to wait in the present condition rather than advance forward. Certainly I think the Government ought to be very careful before it laid additional taxation upon the Indian masses.

14,969. The White Paper proposes a certain allocation of revenues between the Provinces and the Centre. Now take the allocation that is proposed for the Provinces. In order that the revenue that is contemplated may be realised through those sources I am putting it to you, Mr. Churchill, that you would require the active support of the Legislatures, and that could not be obtained unless the representatives of the people were able to obtain the consent of the people themselves to that taxation, and that could not be done by an autocratic Government in India?—No.

Sir *Abdur Rahim*.

14,970. That is all?—Thank you very much.

Mr. *A. H. Ghuznavi*.

14,971. Mr. Churchill, I would refer to your Memorandum, paragraph 14. You say in that paragraph that "it would be ungrateful not to recognise the very great improvement in the tranquillity of India which has been brought about during Lord Willingdon's Viceroyalty." In making that statement, Mr. Churchill, do you mean to say or do you imply that there was no such tranquillity during the latter period of the Viceroyalty of Lord Irwin?—Certainly. I consider that a very great change took place when the Civil Disobedience Movement was coped with and Mr. Gandhi was arrested instead of being invited to confer with the representative of the King Emperor.

14,972. I suppose you are aware that to a certain extent Whitehall governs

the policy and that it largely depends upon the Secretary of State as to how he lays down the policy pursued. Do you agree to that?—You are really referring to the Secretary of State.

14,973. Let me refer you to the first paragraph, in which you say that you know all the workings of the Government in India and the India Office and you associate yourself with Lord Birkenhead and Lord Peel and others?—But you are asking me on a specific point. You are asking me whether the change of policy which occurred after Lord Willingdon's obtaining power was started by him or started by the Secretary of State. Naturally I cannot go into that.

14,974. No, my point was this. I say that to a certain extent Whitehall governs the policy of the Government of India by the Viceroy. Is that so or not?—The Secretary of State is in a position different from but in a way superior to that of the Viceroy, certainly.

14,975. But my point is whether Whitehall governs the policy to a certain extent. Is that so or not?—Much turns upon what meaning you attach to the words, "to a certain extent."

14,976. Are you aware that Lord Irwin's latter period of service in India in 1921 was under a Socialist Government and a Socialist Secretary of State?—Yes, quite. I certainly think that is a very proper point to make; not, I may say, a point against Lord Irwin at all, but obviously it makes a great difference to the position of the Viceroy what the position of the British Parliament is, I quite agree.

Mr. *A. H. Ghuznavi*.] Therefore any weakness which Lord Irwin might have shown in his administration was perhaps the result of the policy laid down by the Socialist Government and the Socialist Secretary of State?

Lord *Irwin*.] My Lord Chairman, as I seem to be an unwilling subject of this discussion, may I make it plain once for all that I accept my full measure of responsibility for whatever was done while I was Viceroy.

Sir *Samuel Hoare*.] I was going to ask whether really questions of this kind have a very direct bearing upon subjects that we are discussing with Mr. Churchill this afternoon. I would have thought myself we were looking much more to the future than looking back to the past.

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Mr. A. H. Ghuznavi.

14,977 The present Secretary of State is a Conservative. (*To the witness.*) You have expressed your gratefulness to Lord Willingdon. I think you should give a share to the Secretary of State as well<sup>o</sup>—I certainly do and have on other occasions. Certainly I do. I think the Secretary of State shares in the credit for the improvement which has been achieved.

Dr. Shafa'at Ahmad Khan.

14,978. Mr. Churchill, you are here to represent your personal views or the views of the party?—No; I have no party, except that I am a member of the Conservative Party now.

14,979. So they are purely personal views not held by any section in England?—That would be a complete misreading of the answer.

14,980. In your memorandum, you have given a very brief description of the form of government you would like to see established in the Provinces?—Yes.

14,981. That description, if I may say so, is very sketchy. Do I take it that you agree with the principles underlying the present Government of India Act, except in so far as they are modified by you in your memorandum? What is the constructive plan of the Provincial Government as a whole which you had in mind when you sent in this memorandum? The existing form of provincial Government?—No. The Statutory Commission has proposed a very great advance in the Institution of Cabinets resting upon Assemblies in that way, and that is what I think we certainly should develop now in the Provinces—a very great advance.

14,982 May I take it that your memorandum is based on I should say, takes the recommendations of the Statutory Commission for granted, and supplements it by your specific recommendations?—In the main, my memorandum lies within the ambit of the report of the Statutory Commission with certain special points which I ventured to note by way of reduction from that position.

14,983. And I suppose you would say that those special points also lie within the ambit of the Simon Commission?—Certainly. This idea of having a deputy by the side of the Governor to whom the portfolio dealing with the police can be entrusted in certain circumstances is certainly founded upon a suggestion

which, although it was not in the final recommendations, found its place in the report of the Statutory Commission.

14,984. Then your recommendation regarding the reservation of judiciary also lies within the ambit of the Simon Commission?—It always has been customary to associate the police and the courts together in their treatment, and I think the provisions which were indicated by the Statutory Commission, although not put forward as their final recommendation would equally well cover both points.

14,985. You think the Simon Commission recommendations implicitly contain within themselves the reservation both of police and of judiciary?—No, on the contrary, the Simon Commission on the whole were in favour of the transference of these two services, and I do not agree with them there. That is one of the points on which I do not come abreast of the full position of the Commission, but they indicated an alternative procedure, and it is that alternative procedure that I am endeavouring to bring forward now.

14,986. So that, except in so far as you recommend the reservation of judiciary and police, you substantially agree with the recommendation of the Simon Commission regarding the Provincial Government?—In the main, I am in favour of a great experiment being made in provincial home rule.

14,987. Then as regards the police, you must have read the arguments in favour of transference of police adduced by the Simon Commission?—Yes.

14,988. I do not wish to go over them here?—No.

14,989. I only wish to put one consideration before you. If you reserve police you concentrate upon the Government (the Government in the sense in which we understand that word now as something external, something imposed from above) or really the Governor plus the person in charge of the police, all the criticism which would be levelled by the legislative councils of the Provinces?—Yes.

14,990. Have you thought of the possibility of this criticism which will be levelled constantly, almost perpetually in the Provinces, and what will be the position of the Governor if your proposal regarding the police and judiciary is accepted?—I think it would be the lesser of two sets of very serious dangers. I

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think undoubtedly there are difficulties and disadvantages arising from the criticism, but those are not really comparable to the dangers which would arise, if, for instance, the Muslims in a Province thought they were not getting fair treatment in regard to all their daily life from a Hindu head of police, or vice versa. I think that is a very great danger and to have an umpire obviously outside the range of those great clashes of creed, race, and of history, would be a benefit and a boon to the life of the Provinces which would more than repay the Governor having to bear a certain amount of criticism by people who said, "This is your police."

14,991. I am afraid I did not make myself very clear. The conception of Government held at the present time by Indians of all classes, not merely politically-minded classes, is that the Government is essentially police with a big truncheon. Government is identified so much with police that anything that occurs in the form of riots and so on is attributed to the Government itself, so if you keep the police reserved, you will make the position of the reserved half, and also of the Governor, so extremely difficult that I am sure he himself will strongly recommend its transfer?—But the most serious troubles that have occurred in India in the last three or four years where the police have had to come in have not been troubles between what you may call the political classes and the Government; they have been fierce outbreaks between the great religions, and there is where life has been lost. I should not doubt to say that ten times as much life has been lost in communal strife as has been wrought by conflicts between what you call the people and what you call the big truncheon. The big truncheon has been invoked, where it has been invoked, to try to prevent troubles between the two great creeds.

14,992. Mr. Churchill, you referred this morning to the Cawnpore riots and to other riots?—Yes.

14,993. As one who was in the last stages of the riot at Cawnpore, and who went through the riots which occurred two months before, may I tell you now that in spite of these riots, the feeling in these places where these riots have occurred is almost unanimous that the police should be transferred. Instead of that being regarded as an argu-

ment for reserving the police, it is regarded as an argument for transferring them in order that civic consciousness may be fully developed, and in order that the people shall be made fully conscious of it. That is what the feeling in these places to which you refer specifically is?—You have been giving me evidence, but I will carefully consider it.

14,994. I mentioned that to give you some facts?—It is a very interesting point.

14,995. You have referred to the need for grants in aid with a view to establishing the control of the Government of India over the Provinces through the system of an Inspectorate?—Yes.

14,996. I take it that the grant in aid would be given only by the Government of India if and when funds are available; am I right?—That seems quite all right.

14,997. Then, if the Government of India cannot find money, which it has not been able to do during the last 13 years, how is it possible for your system to work, and for grants in aid to be given to the Provinces?—Of course, I was basing it on the principle that some of the provincial revenues would be derived from the centre, but if you should produce a financial scheme which renders the provinces completely self-contained without receiving any revenue from the centre, the argument about following up the expenditure of public money would naturally fall to the ground. I think it would be a pity, because I think those who care about the success of home rule Government in the Provinces of India would wish to see the Government of those different Provinces co-ordinated with each other and with the centre by a helpful friendly administration, provided it was not too expensive or too elaborate, and tended to bring things together. I think it would be a step likely to shorten the period before the next advance could be made in Indian Government.

14,998. That of course depends on the proviso that there is money available. If there is no money then your whole scheme fails?—But please do not suppose that this argument applies only to this small helpful suggestion which I have made to free the Secretary of State from a dangerous reproach. It applies to every aspect that you are considering now.

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14,999. I am only concentrating upon your memorandum and not upon the White Paper, and your memorandum does not point out ways and means for financing the Central Government in such a manner as to enable it to give grants in aid on an adequate basis to the various Provinces?—You say you are considering the financial question quite separately, and naturally I am very glad indeed to hear that. Perhaps when you are considering it you will just bear in mind the humble suggestion I have ventured to make here and see if you can find a little for that too.

15,000. It is not a question of consideration. I am dealing with the facts that from 1919 to 1932, the Government of India have not advanced any grants-in-aid. In the scheme propounded in the White Paper, there is no system of grant-in-aid contemplated?—All right. But I do not see that I am asked a question.

15,001. Let me come to the other point you have referred to, the question of the intelligentsia. What is your conception of intelligentsia? Are they mere intellectuals without any stake in the country, without any influence, professional agitators, or professional demagogues, or are they the men of the type you find in other countries? Take, for instance, the men who are prominent in all countries, landed gentry, professional classes, who are taking a very active part in a very reasonable manner in making the reforms a success. Do you confound and confuse the purely intellectual and the demagogue with those classes just mentioned?—No. I used the word "intelligentsia" because it has a democratic ring about it which might be agreeable, and also because it seemed to me that it was not an offensive term, but I think probably a better expression would be the politically-minded classes, and naturally they include representatives of all the elements which go to form the politically-minded classes of any country.

15,002. And the politically-minded classes, I suppose, according to you, live in separate compartments absolutely divorced from all contact with the masses?—Where have I said that?

15,003. You have not said that, but that is the drift of the whole of your memorandum?—The proportion of the politically-minded classes in India is probably smaller, in proportion to the amount of the population, than in any other community in the world, far smaller than the proportion in the Western Countries.

15,004. At what time does a person who rises from the masses and becomes a political leader, cease to be a member of the masses and becomes a politically-minded class?—Every case must be judged individually.

Sir Phiroze Sethna.

15,005. On its merits?—On its merits or demerits.

Earl Winterton.

15,006. I want to ask, first of all, my right honourable friend a further question about the fiscal convention following upon the questions which he has already answered this afternoon put by the Secretary of State and others. In the first place, I understand my right honourable friend's general position to be that the central Government need not be changed under his scheme?—I think I answered that question, and I must bear in mind the appeal which the Lord Chairman has made against a repetition of questions. I am afraid that covers me also in the repetition of answers.

15,007. I think if my right honourable friend will ponder over my question he will see that there is no need for repetition. I merely asked whether I was correct in stating my right honourable friend's general position to be that the central Government need not be changed under this scheme?—My answers have been given and are on the record, and I do not desire to add to them at this moment.

15,008. I am much obliged to my right honourable friend. I hope I shall be more fortunate in my second question. Assuming the answer to my first question is in the affirmative, does my right honourable friend mean that the Fiscal Autonomy Convention will continue under his scheme?—I have not said anything in any paper which I have written and submitted to this Committee which has raised the question of any change or what has been the practice for a good many years.

15,009. The answer then is yes?—The answer to that is what I have said.

15,010. The next question that I want to ask my Right Honourable friend is really a point of elucidation of two sentences which occur in his Memorandum. In paragraph 10, he refers to the "abiding inalienable responsibility of Parliament for good government" and he further defines that in paragraph 18 where he says the responsibility of



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Parliament for the well-being of the Indian masses may be delegated but is inalienable. May I ask my Right Honourable friend whether he would agree that, for example, the question of education and public health affects the well-being of the masses?—Yes; certainly.

15,011. Would he take it from me, as having some knowledge of the working of the Act so far as Parliament is concerned that, under the Act as interpreted by successive Speakers, it is extremely difficult to discuss in Parliament by question or answer, or in debate, certain aspects of the transferred Services; that, in other words, it is ruled to be out of order on the ground that these matters have been transferred to and are within the competence of an authority other than Parliament?—I do not think that amounts to any serious point at all.

15,012. Would my Right Honourable friend take it from me that that is so?—When you delegate it does not mean you are always fiddling and fidgiting and looking in at every detail at all. You say "Take this great sphere of work and may the blessing of God attend you", but if after a period of years you found things had gone very wrong, then, in my opinion, at the present moment not only is there the responsibility, but the right to come in and see that things are put straight, but naturally Parliament would not be debating the details of the education service in India upon the India Office Vote in the interim.

15,013. It is not a question of what they would be naturally doing or otherwise. It is a question of the procedure of the House of Commons, and if it be true, as I maintain it is true, from a considerable knowledge of the working of the Act, that it is at the present time impossible to discuss the working of these matters, then, obviously, in order to effect the change which you contemplate you will require legislation. In other words, you will have to alter the Government of India Act returning to Parliament the power which you say is inalienable?—No; I do not think so at all. I am dealing with what I may call residuary responsibilities which rest upon the British people to see that India is piloted along, to see that India does not get into the condition which China got into. I am not dealing with the points of order or procedure which allow par-

ticular topics to be raised on this Vote, or on that, nothing of the sort.

15,014. It is not a question of on this Vote or on that; it is on any Vote?—Or on any Vote. I am bound to say I see no point at all in what Lord Winterton says because, quite clearly, Parliament can alter its rules and its procedure if it chooses, and, quite clearly, Parliament can legislate if it chooses.

15,015. But you realise that that being the interpretation, it would mean an alteration of the Act to give back that of which Parliament has, rightly or wrongly, divested itself?—I should think this was by no means the time to undertake such an amendment of the legislation.

15,016. I asked my Right Honourable friend if he does not accept the position that legislation is a necessity?—If all you are wishing to do is to give me some information on Parliamentary procedure I can only say I receive it with the greatest respect.

15,017. I am much obliged to you for your answer. May I ask a further question which refers to the Witness's answer yesterday at page 1814. There, in reply to question 14,450 my Right Honourable friend said, "The view I take is that Parliament has to prescribe what it thinks is right and best. That is the function and responsibility of Parliament at this stage and if you are going to say that Parliament must not prescribe anything that will not at any given moment be accepted by the representatives of political opinion in different Provinces of India, then I could not accept that. I do not feel that that is a limitation upon the powers of Parliament which I could agree to." Now might I direct my Right Hon. friend's attention to answer 14,496, where he says: "Obviously, a real widespread solid desire should be met as far as it is possible to meet it without bringing evils upon the country." I am not quite clear how he brings those two answers into relation. I gather from his second answer that he would have some regard to what has been described in the course of question and answer this afternoon as to political opinion in India?—I have been answering questions to the best of my ability continuously for a long period of time, and whatever my answers are, they have been given arising from one state of mind. I have not been conscious that any part of them has been inconsistent with another, but, if that should appear when the



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transcript is read that will be to my disadvantage. I do not wish to alter anything I have said.

15,018. My Right Hon. friend will realise I am merely asking all these questions in order that the Committee may have the benefit of his answers. I am not anxious to score points off my Right Hon. friend?—My Noble friend has asked me to compare two sets of answers which I gave yesterday. At this moment the transcript has been put in my hand. If I am to do that, I must ask for the references and I must ask for a few moments to compare them.

15,019. I do not wish to press it?—What are the two points? I will look them up.

15,020. One is on page 1814, the answer to Q. 14,450?—Yes.

Earl Winterton.] And the other is on page 1818, and is in answer to Question 14,496.

Sir Austen Chamberlain.] Would Lord Winterton be good enough to say what is the contradiction which he sees between them; it would assist the witness and the Committee. I was not able to follow him.

Earl Winterton.] My Right Hon. friend may not see the contradiction that I saw. Possibly I am wrong. My Right Hon. friend the witness said: "That is the function and responsibility of Parliament at this stage, and if you are going to say that Parliament must not prescribe anything that will not at any given moment be accepted by the representatives of political opinion in different Provinces of India, then I could not accept that." My Right Hon. friend in answer to the second question said: "Obviously, a real widespread solid desire should be met as far as it is possible to meet it without bringing evils upon the country."

15,021. The first answer gave me the impression that my right honourable friend did not consider it necessary to take into account what I have described as political opinion in India. The second answer gave me the impression that he thought it necessary to take it into account?—No. These questions are questions of degree. Obviously, if a very great deal of satisfaction could be given by advance which perhaps did some harm it might be worth while to make the advance. If, on the other hand, a great many dangers and evils were open and not very much political satisfaction resulted, then I think it would be better

to stay where you are. There is no inconsistency between them.

15,022. What I was really trying to get at was this: my right honourable friend, it would not be impertinent to say, in view of the whole of his political career, would be prepared to consult the accredited representatives of Indian opinion?—I certainly agree, and I strongly approve of the continual, ceaseless contact and companionship which grows up between British and Indian representatives. One of the difficulties in the matter is to be quite sure how far the representatives of Indian opinion can respond for the whole opinion of India; obviously it is in different degrees that each of them responds to it. Meanwhile, there are others who are very well known in India who take an entirely different view. All that has to be borne in mind, but that we should consult and consider as we are consulting and considering, I am in entire agreement with my noble friend.

15,023. I ask my right hon. friend how he quite reconciles that answer with what he says is his objection to the Round Table Conference. I will ask him if the Committee were to accept the same powers that he has put before us, there would have to be the fullest consideration of Indian opinion?—My noble friend introduces a new topic when he suddenly brings in the Round Table Conference. I do not think the Round Table Conference as such and in the form in which it was held should have preceded the presentation to Parliament and consideration by Parliament of the Report of the Statutory Commission. I do not think so. I think that was an unfortunate stage, but obviously it was intended that consultation should be continued.

The Aga Khan.

15,024. Mr. Churchill, you are aware that the White Paper Scheme is the result, not only of many discussions at the Round Table Conferences between the Princes, their Representatives, Indians of all sections of opinion, Hindus of every important school of thought, the official representatives of the Muslims, who have behind them the overwhelming support of the Muslim Community, the Sikhs, and the Representatives of the Depressed Classes and Labour, but that the White Paper Scheme has come out of a long series of public and private discussions between them, the Secretary of State, the Prime Minister, the Lord

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Chancellor, ex-Viceroy like Lord Irwin and Lord Reading, and that the authorship of this White Paper is really the result of the experience of people drawn from all conceivable elements that could represent India. On the other hand, your scheme has behind it for authorship a small number probably of experts whose knowledge of India is not up-to-date, none of whom has had recent experience of responsibility, and yourself who, in the midst of your many very important activities and so on, could not have given except very slight attention to it; and you have what I may call a cursory knowledge. Now of the two schemes, if you were alone asked by Parliament as a responsible individual which one you were going to recommend, which one would you recommend?—I do not think this matter can be settled at all by trying to pile up expert authority on one side or the other. This is a decision which is sought from the British Parliament, and the British Parliament does not consist of experts upon India; a great many of them have not had the opportunity of serving out there or of serving in high positions. It is a decision which is asked from the Sovereign Assembly under the Crown in this country, and I do not think it is to be settled apart from a free use by the Members of both Houses of their own good judgment. They have to weigh the different assertions that are made by the experts and high authorities on the one hand or on the other, and I certainly do not feel myself bound because two ex-Viceroy are in favour of the scheme to suspend the discharge of my duty as a Member of the House of Commons.

15,025. You have not really understood my question, I think, Mr. Churchill. Those behind the White Paper Proposals are not merely experts. They are, many of them, responsible to millions of people in India. The Princes are not experts. They are rulers of vast States, and they think that this scheme is likely to work as well as any scheme can work for India, as far as we can see. That is the Indian side of it, and they have convinced responsible British opinion. Are you ready to tell Parliament that this scheme has not any support behind it other than that of two ex-Viceroy?—If that argument is valid, why is the Joint Select Committee sitting?

15,026. The Joint Select Committee is sitting to sift it as far as it can, but it must pay some attention to the fact that

the authorship of a scheme for a Constitution for India should have some Indian responsibility behind it as well?—I think all opinion should be weighed as far as possible, but I am not prepared in any way to admit that because these consultations took place at the Round Table Conference and because a lot of discussions have gone on between the Secretary of State and various gentlemen and notabilities and Princes, the function of Parliament is in any way impaired or the responsibility of Parliament in any way diminished, and I, of course, base myself upon the recent statement of the Secretary of State that we are uncommitted.

15,027. Would you say that it would be a good thing for India to have a Constitution in the authorship of which no important section of Indian opinion or Princes or classes or communities took any kind of moral responsibility?—It would not be a good thing, but neither would it be a good thing to establish prematurely a Federal system before the units which are to compose it have come into being and without regard to the solution of a great many difficulties attendant upon it. When I am told that there is a great body of Indian opinion gathered behind this scheme it is quite true that a large number of Indian gentlemen and statesmen are moving along in support of the scheme, but with very different purposes and with a very different voice, and a very large number of those who accept this scheme for the time being accept it only as an instrument of machinery to lead to something very much larger.

15,028. That is inevitable, of course. No scheme that had not the possibilities of a future development in it would be accepted. This scheme has those possibilities; it is not being accepted. The kind of people who are advocating this are not the people who want to use this only as a step forward for agitation. It is only a scheme out of which the country's commercial and agricultural prosperity could be developed further and general peace gained during the next decade?—I must take exception to my friend the Aga Khan's use of the expression that I have a scheme—that it is my scheme.

15,029. The alternative scheme?—The basis of the proposals with which I associate myself is the Report of the Statutory Commission which did not establish the Federal system at the

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Centre, but which did in fact, under some reservations, propose to transfer Law and Order in the Provinces. All I do is that I suggest that that transference should be effected only in the manner which I have ventured to define. Then there was this additional point about inspectorates which is intended to be helpful and to co-ordinate the working of the transferred services in the different Provinces, but that does not constitute a scheme at all. In the main, all that I have said rests entirely within the scope of the recommendations of the Statutory Commission, and so you have not a right to brush it aside and say these are only the opinions of one man, with a few aged Indian administrators whom he may have consulted. On the contrary, this is a Commission of Parliament appointed for the purpose; it went to India for three years, and saw everybody, on which the three Parties were represented, and on which the three Parties gave a unanimous Report. You cannot brush it aside like that.

15,030. There is another question. According to the scheme of which you approve there will be autonomous Provinces, will there not?—Yes.

15,031. Do you think that the present Centre, as it is now, with a sort of isolated Viceroy and Executive drawn half and half from Indian and from British officials, with a huge Assembly, always criticising, without responsibility, is a better Centre to meet these Provinces than a Federal Centre in which the Princes and all the important sections of Indian thought and opinion are represented and who are behind the Viceroy and in which he has got a much larger influence?—I have not the slightest doubt that the proposals at the present time to establish a Federal system for India will be fertile of friction and in inconvenience and that the existing system, in spite of its disadvantages is far more likely to enable us to get through this period, when the Provinces are being brought into existence as autonomous entities. It would be, in my opinion, a most dangerous thing to introduce a principle of dyarchy at the Centre and summit of India at this time. Surely it would be only reasonable to carry out one great forward step in the Provinces by itself and await the result of that step before the Federal solution is taken.

15,032. You think that the Government of India as at present constituted will be better able to deal with autonomous Provinces than a Government which has behind it the support of the Princes and the new elements that are being brought in?—You say the support of the Princes. I do not wish to go into that in very great detail, but I have heard a great deal one way and another about the support of the Princes and about misgivings on the part of the Princes and about pressure put upon the Princes. I have heard a great deal about that, and I am not at all prepared to assume that there is a fierce demand on the part of the Princes of India for this departure. When this matter comes to be debated in Parliament we shall then have a proposal before us, no doubt for a Federal Constitution. It will be presented in the precise language of a Statute. I have not the slightest doubt that it will be possible to apply to that proposal far more damaging criticisms than any that can be laid against the present system which, with all its defects, is at the present moment functioning and working.

15,033. Without the autonomous Provinces. With regard to the Princes, I will leave it to my friends here, but do you know of any individual Prince who would give way to pressure of that kind and would not speak up? Do you happen to think that there are any among your acquaintances who would do anything like that?—I was very much pained to see that the Jam Sahib was silenced by the Viceroy when he was unfolding arguments which seemed to me very right and worthy to be stated as a contribution to this discussion. It grieved me very much, and I may say the grief was widespread throughout this country—especially, when that episode was so swiftly succeeded by his untimely death.

The *Aga Khan*.] I do not wish to ask anything more.

Sir *Samuel Hoare*.] Perhaps I might clear up the misunderstanding that Mr. Churchill's last observation may leave in the minds of some Members of the Committee. The incident to which he referred was very different in actual practice from what he actually seems to think.

The *Aga Khan*.] Hear, hear!

Sir *Samuel Hoare*.] The Jam Sahib was under the impression that it was the moment at which to make a speech

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about Federation. That was not the case. The Viceroy stopped him because the particular speech was obviously out of order upon the occasion, which was the reception of the report of the Princes delegation at the Round Table Conference. I am not disclosing any confidence when I say that the Jam Sahib himself fully realised that fact and afterwards assured the Viceroy that he fully accepted his ruling, and he thought that in the circumstances it was a very good ruling.

Mr. Isaac Foot.] Is not it right, too, that at the Round Table Conference the Jam Sahib was one of the strongest advocates of the Federal system?

Sir Samuel Hoare.] Certainly.

Witness.] But, after all, this speech which was not delivered on that occasion because it was out of order had already been published, and no one who reads it can possibly contend that it did not contain very grave words of warning, falling from one of the best known of the Princes of India, and I believe at that time the President—is it not so?—of the Princes Association.

Marquess of Reading.

15,034. Chancellor of the Chamber of Princes?—I beg your pardon.

Mr. Zafrulla Khan.

15,035. Mr. Churchill, I am sorry to have to start with just one question on paragraph 3 of your Memorandum, merely perhaps to enforce, if I have understood it rightly, the point that you try to make in it. My first question is this. I have not been able to follow the point you have sought to make in this paragraph 3, as to whether, even with regard to rank you mean that India should be given Dominion Status?—Is not it wiser to look at what has actually happened? We know what happened in the great Conferences during the War and at the end of the War. When the facts are so well known and so apparent I do not know that they gain by my trying to cast them into verbal form.

15,036. I am only trying to understand the drift of that paragraph. May I add that in addition to what you have said with regard to the nominal character of that rank, it is not merely that Representatives of India to these Conferences, and so on, are nominated upon the authority of the Secretary of State, but they are bound to give ex-

pression to the policy which is set down by the Secretary of State?—I did not say that because the very high-class representatives who have been chosen would not be merely Delegates speaking under instructions at all. Still, there is a very great difference between a nominated representative speaking and a representative of a Prime Minister of an autonomous government.

15,037. What I was trying to put to you was this. As a matter of purely constitutional fact, the constitutional position is that they must give expression to the policy as settled by the Secretary of State; the foreign policy of India not being a subject upon which people can make their own pronouncements, it being a Reserved Subject?—I think that is true in the main.

15,038. Then leaving that matter aside, may I call your attention to paragraph 9 of your Memorandum. You have expressed an apprehension in the beginning of that paragraph that an extension of self-government is likely to lead to a sensible deterioration in the services, but during the course of your evidence here you have supported that by saying that there has been such deterioration already under the existing system of Reforms; you have also explained that by deterioration you mean not so much in personnel but in the services rendered. My question is that it would be clearer to us as to what was exactly meant by that, that there has been deterioration in the services rendered, if you gave the Committee an instance or two of what you exactly mean?—I have already said that I am not proposing to frame a particular indictment against any service or any Province at all. I make a general statement, not a violent statement at all, that there has been a deterioration. I may be right, I may also be wrong, but anyhow I have given my opinion, and I have no further evidence to give upon that point.

15,039. Would you be prepared to accept the opinion of some distinguished Indian administrator if you found that with regard to the Province of which he may have had some experience he was of the opinion that there had been progress and efficiency in the administration of these transferred departments in achieving the results that they are designed to achieve during the period of the Montagu-Chelmsford Scheme of Reforms?—I should receive such a statement with great interest and attention and with pleasure.

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[Continued.]

15,040. Having regard to the difficulty that you have once or twice expressed with regard to locating exactly which particular officer was meant, I was wondering whether you had heard the name of a distinguished administrator in India called Sir Michael O'Dwyer?—Yes, I have.

15,041. May I draw your attention to what he said in this connection with regard to the Punjab while giving evidence before this Committee? I shall proceed to give you in very brief words a summary of what Sir Michael O'Dwyer has stated in his evidence, which is printed at pages 118 and subsequent pages of Volume II (a) of the Proceedings of this Committee. He was asked a question as to what he meant by progressive administration, as he had said that that was one of the tests of advance, and he defined this expression as being "developing the resources of a country, like developing railways, public works, hydro-electric works and so on," and then he added: "Great works have been carried out in the Punjab about which you know more than I"—meaning that as he had not been in the Province actually during the working of the Reforms probably the questioner had a better knowledge of these things. Then he went on to add in various parts of his evidence: "As regards elementary education there has been enormous improvement." Then he went on to say: "There has been a great development with regard to the education of girls." That is one of the most satisfactory achievements. Then with regard to hydro-electric schemes he admitted that a great scheme of that kind had been carried out in the Punjab during this period of Reforms with the sanction of a fund granted by the Legislative Council. Then he was asked: "What is your opinion with regard to the development and improvement of communications in the Punjab during the last 14 years?" He said: "There has been a great improvement undoubtedly. I have not been there since 1920, but I understand there has been a great improvement." Then he was asked: "And also with regard to public health and medical relief?" He said: "There has been a great extension of dispensaries. You had a very go-ahead Council in the Punjab and they were carried through. They were all improvements." Then a question was put: "With regard to the progressive administration, may I

take it that your view is that the Punjab has, under the Montagu-Chelmsford Scheme of Reforms, given an example of progressive administration?" The reply is: "I think so, with the agency of the All India services." After hearing the views expressed by Sir Michael O'Dwyer, would you agree that on the whole with regard to matters as to which he has given evidence there has been a great improvement in that Province during the Reforms?—I certainly attach great importance to the views of Sir Michael O'Dwyer, and I am very glad to see the importance which is attached to them on this Committee.

15,042. Perhaps you would attach importance to them coming from that quarter rather than from any other quarter?—I think it is all the more remarkable that a man who is expressing such an authoritative opinion based upon such wide knowledge and in such a fair-minded manner should have come to the conclusion which we know he has upon the general policy. I feel much fortified in my view about that.

15,043. I will not proceed to argue matters with you, Mr. Churchill, but I thought perhaps I had better give you authorities to which you would be disposed to attach importance?—I am very much obliged.

15,044. Then you go on to say in that paragraph that "how any Indian gentleman or notable can suggest that the government of these Provinces—great countries almost as large and as populous as France, Spain or Italy—is not a majestic task cannot be conceived." May I suggest to you that put in that way your scheme is not properly described in this sentence? You do not propose to entrust the government of these Provinces, great countries almost as large and as populous as France, Spain or Italy, to Indians in a responsible manner, and I proceed to put these considerations to you. The government of France, Spain or Italy is not a proper comparison with regard to the government of the Provinces as you suggest for this reason. Is it not a great factor in the government of a country to provide for its defence?—I did not say that the scheme of Provincial Home Rule would be similar to the rights enjoyed by the Sovereign States of Europe. Obviously I was not doing that, but I was saying that the sizes of these great Provinces and their popu-

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lations corresponded to the States of Europe and that the functions which would be attributed to them under the self-governing scheme would be functions which ought to claim the earnest enthusiasm and interest of the Indian notables and gentlemen.

15,045. May I assume that under your scheme the Provinces would have no control over these matters. Defence, external policy, railways, currency, customs, Post Office?—I demur altogether to the suggestion that it is my scheme I have already in answering His Highness said that I am not putting forward a scheme at all. I am only making a few modifications upon the Report of the Statutory Commission. That is all I am doing.

15,046. Under the scheme that you support, let us say?—That I support, yes, but the White Paper does not hand over defence to the Provinces.

15,047. No; it does not?—Nor even to the Centre.

15,048. Most certainly not, and if anybody says that the task that the White Paper proposes to entrust to Indians is as majestic as, say, the government of Switzerland, I would say it was not a correct description. I do not say that the White Paper does it?—No, but the well-being of the people in the Punjab or in Bengal or in Madras is a tremendous task and ought not to be disparaged as unhappily it is disparaged, by the advocates who wish to go a little further. It is a tremendous thing in itself.

15,049. Does not the well-being of the people of a country depend to a very large extent on the extension of what are known as the beneficent activities of the Government: Education, Communications, Medical Relief, Public Health, Veterinary Services, and so on?—Yes, provided the taxes have not got to be made too high for the country.

15,050. That is the next thing to which I was coming—provided the taxes are not made too high. Therefore, you can provide these benefits only if you can devise means to add to the taxable capacity of the people so that even with light taxation you may have a reasonable yield in the Revenue?—I do not know how you do add to the taxable capacity of the people. I do not know how you mean "add to the taxable capacity of the people" except by their becoming

more wealthy, or else if you mean that a Government based upon democratic electioneering would be able to wring more money out of them, it may be true or it may not—I do not know.

15,051. I have not said so at all. What I mean is this: Would not the obvious way be to promote the development of agriculture, commerce and industry and would not this depend to a very large extent upon tariff policy, upon the provision of a means of transport, upon questions of currency, upon the level of prices?—All that seems perfectly true.

15,052. That being so, you propose that all these factors, upon which the prosperity of the Provinces would depend, should be reserved at the Centre?—That is the Government's Scheme.

15,053. No; that is not the Government's Scheme, excuse me. The Government's Scheme is, under the White Paper, to transfer railways and finance under certain safeguards?—Yes, under certain safeguards.

15,054. Therefore, the Government's Scheme would certainly be more responsive in its operation in these fields than the scheme whose support you are advocating here?—You mean the Statutory Commission Scheme?

15,055. Whichever it is, with your modifications?—With my modifications.

15,056. Then I put it that it is unfair to say that the Statutory Scheme with your modifications gives the Provinces a field of autonomy in which responsible Ministers can show their capacity for self-government by improving these Provincial Services when the means of improving them will all be controlled by a Reserved Centre. It is not a fair experiment?—I am not sure that the criticism applies to what I have said. I propose certain derogations from the Statutory Commission's Recommendations. The Government have proposed some additions to the Statutory Commission's Recommendations, but I have not expressed any opinion upon these particular arrangements in regard to railways, and so forth, to which you are referring.

15,057. But you want everything reserved to the Centre, do you not, Mr. Winston Churchill?—I must refer you to the safeguards to which the Secretary of State attaches so much importance.

15,058. I will not keep you upon the subject more than to say that it is a



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task, no doubt, but it is a task with the majesty taken out of it?—I do not agree there at all.

15,059. I am sure you do not?—I think there is no task which has more majesty than the administering to the well-being of very large masses of poor people.

15,060. That is so, with the means of having more money to administer to those needs to a satisfactory degree. Asking your attention to your next paragraph 10, apart from the two general statements made in the first and the second conditions laid down by you, you propose two modifications. May I ask you this general question with regard to this paragraph first. Do you think that what you propose in these two paragraphs, the third and fourth sub-paragraphs of paragraph 10 is an advance upon the present system of responsible government in the Provinces, or whether it lays further restrictions upon responsibility in the Provinces than are laid by the present Constitution which is in operation?—I think it would constitute an advance.

15,061. Very good. Now, let us take No. 3—your suggestion with regard to one or more Deputy-Governors. You say the Governor should have associated with him one or more Deputy-Governors appointed by the Crown on the advice of British Ministers to whom he may when and where expedient entrust the control of the Judiciary and also of the Police, unless it is found possible to organise the Police as an Imperial Service?—Yes.

15,062. In those cases where the Governor did find it so expedient would the Deputy-Governor, according to you, be or not be a Member of the Legislature? Supposing your suggestion was accepted and a Deputy-Governor was appointed in a certain Province and the Governor thought fit to entrust the portfolio of law and order, including justice, to him, what do you suggest—whether the Deputy-Governor should or should not be a Member of the Provincial Legislature?—I think it is a matter to decide when you came to elaborate the Proposals. He might be or he might not. A solution would be possible either way.

15,063. Could you suggest a solution?—At any rate, it would be to the advantage of the Legislature that he should be present there at their debate, just in the same way, I believe, as Members of the Central Government now

attend from time to time sittings of the Central Assembly, but I certainly should not think that it would be necessary for him to be elected by the process of having a Constituency.

15,064. Of course not. If he was to be appointed by His Majesty on the advice of his British Ministers he could not as well be elected by a Constituency. That is perfectly obvious?—He could. Some of us have been appointed Ministers by His Majesty and then have been elected by a Constituency.

15,065. He might be appointed and then he might conceivably be elected by a Constituency?—Yes.

15,066. If he was an elected Member already, would you propose that he should continue to represent his Constituency as well as be Deputy-Governor, or would he have to resign his seat as an elected Member of the Legislature?—I have said that if the Joint Committee desired more precise details on these general proposals which I have put forward, I should like to have notice and present that branch of the topic with all the proper forethought and elaboration which it deserves. I do not think I will attempt to solve Constitutional propositions by question and answer, because I do not think that would be helpful; I do not think I should be giving you any valuable assistance in your task.

15,067. It is very important for this reason, that in order to understand all the implications of your suggestion on this point it is necessary to visualise as to how it would work in practice, and if at this stage you are not in your own mind clear as to how it would work in practice no doubt the Committee might be able to get the detail out of you after notice, but we who are shortly returning to India will not be able to appreciate it at its proper value?—Mr. Zafrulla Khan, the germ of this proposal was contained in the Report of the Statutory Commission. I have not got the reference, and I cannot put my finger on it at the moment.

Marquess of Reading.

15,068. I can give it to you if you want it?—You are no doubt familiar with the passage. You have upon this body a number of those who served upon that Commission, and no doubt they could tell you what was in their minds, but in principle I do not think I need go further than to say that the Governor, who



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is at present almost the sole British representative on the spot of the Crown, should have with him a colleague who would be nominated as he was on the authority of the Secretary of State, who would be his deputy when he wanted to be away, who would be his aide and assistant when he was administering, and to whom these functions with regard to the police could be entrusted. There is nothing very far-fetched or extraordinary about that. That would obviously mean that he would come to the Assembly and be criticised by the Assembly and give reasons to the Assembly. It would mean that he would sit in the Council when the Governor was present and discuss matters and would generally be a friend and colleague of those who were carrying on the responsible government. I do not see that it is necessary to add any more to that.

Archbishop of Canterbury.

15,069. May I just ask, to implement that, Mr. Churchill, this question You speak in the plural. Do you contemplate more than one of these Deputies, as you call them?—Well, of course, I said one or more, because the strain of the Indian climate takes a great toll, and Governors have to go on leave. The strain of government continually increases. I should like to see that element represented as strongly as possible, but that is not inherent in the point of having a nominated Minister or member to whom the control of the police can be delegated.

15,070. If there are more than one then you begin to have an official *bloc* open to all the criticism that it has received?—Yes; but in the Cabinet or Council—it is not like Parliament—in a Cabinet decisions are not taken by counting noses or forming *blocs*.

15,071. But I thought you implied that these Deputies would normally be Ministers of the portfolio working with and in conjunction with the Ministry?—Yes, but it is not an official *bloc* in that sense, because the majority does not decide things in a Cabinet.

Mr. Zafrulla Khan.

15,072. Mr. Churchill, I did not deny that the germ of this proposal was contained in the Report of the Simon Commission. What I am afraid I have put my question on is the reason that, even when in the Simon Commission's Report it appeared equally unworkable to me, as

it is now in your submission, I am trying to see whether it can be made more workable. May I put one or two further questions on the working of this in actual practice? With a deputy in the case of the appointment or a Deputy-Governor who was placed in charge of Law and Order, or course, the necessary result would follow that the Ministry and Legislature could not take upon themselves the responsibility of the administration of these two Departments—Police and Justice?—Certainly. If it were reserved in the hands of a nominated Minister, to that extent the responsibility of elected Ministers would be diminished.

15,073. And you would agree that in the case of a discussion in the Legislative Council with regard to something that had occurred or some omission that had taken place in the Department of Law and Order it should be constitutionally open to the Ministers and their supporters to vote against the Governor, as it were, or the Government, whatever you would call it in those circumstances?—I suppose if the Governor uses his special powers, the Ministry of the day might differ from him and express their opinion in that way.

15,074. And there the White Paper recognises that the Governor would take the responsibility upon himself?—Yes.

15,075. But here I am submitting to you that it is not only with regard to the special reservations, but over the whole field of Law and Order the Ministry would not be responsible and could whenever there was a discussion, either take up a neutral attitude, or it would not be a case of the Governor overriding them under the powers of the Constitution, but this is a Department for which they are not at all responsible?—We should have to face that as an alternative to the still more grievous difficulties which would be entailed in the transference of Law and Order and the Police in Provinces where the state of feeling was such that very great disorders might arise.

15,076. Take another aspect of the question: Supposing in a certain Province the Governor did not think it was necessary to entrust the control of the Judiciary and the Police to the Deputy-Governor, what would happen then?—He would be the Governor's Deputy and assist him in his functions and relieve him when he was going away

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and so forth. He would be his *alter ego*. It would be like the second in command of a regiment helping the colonel.

15,077. One reason that you have given for making this proposal is that if there was a Hindu Minister and a complaint by Muslims that he was not treating them fairly, or *vice versa*, a difficulty might arise, and your solution is this: Supposing a difficulty of that kind arose with regard to the Departments of Education, Medicine, or Health, what would be your remedy?—We are going to make the experiment and we are going to run the risk, and we all cherish the hope attendant upon an experiment of that kind. Things may go wrong in education or they may go right, but right or wrong, they do not touch the very grievous issues which are raised in a breakdown in the forces concerned with keeping the peace.

15,078. So that I understand with regard to the other Departments you would trust to the good sense of the Ministers?—Certainly. I think that that only shows how important is the discretionary sphere, the sphere of responsible government, which is being handed over. We should certainly have to give that power with the hope that, in the main, it will make an improvement, but with the belief that in many cases there will be considerable difficulty, but, still, it should be tried.

15,079. Now, Mr. Churchill, at what stage, if any, which you can visualise, would you be prepared to transfer the Department of Law and Order to the Ministers in the Provinces?—I think that every case must be judged by the Governor and the Government of India as a whole. There are some Provinces where it might come quite soon, others where it would not be reasonable to do it for a long time.

15,080. If the Governor of a Province and the Government of India were of opinion that in a certain Province it might safely be transferred, you would be prepared to advise Parliament that it may be so transferred?—It would not really depend upon Parliament. The Act would have been passed and the Deputy would be there, and the powers would be exercised in pursuance of the Act. Certainly, if the Governor thought that it would conduce to public tran-

quillity and smooth working of a Province to appoint a Minister responsible to the elected Assembly in charge of the Police, that would not involve any reference to Parliament over here at all.

15,081. So that in the Statute you would propose that provision should be made that in any Province where the Governor and Governor-General were satisfied that the transfer might take place they should have power to transfer it without coming up to Parliament for fresh powers?—Yes.

15,082. Now proceeding to your proposal under sub-paragraph (4) with regard to the Inspectorate, you have said in paragraph 11: "The Government of India, collecting taxes with the British Army behind it as its ultimate sanction, cannot transfer large grants from the Centre to the Provinces"—except under certain conditions. I have no reason to suppose that you are not fully aware of the financial position in India and of questions with regard to Federal finance, but may I ask you whether in your opinion Income Tax collected from people working in a Province would be a Provincial source of revenue or an Imperial source of revenue?—It would entirely depend upon the services in the Provinces or at the Centre which were to be provided for. Obviously, the Provincial Government must have revenues sufficient to carry on their business at a certain level and so must the Federal Government. They have got to divide it between them. I should have a lot to say about the assigning of a particular revenue to particular purposes. I think it is a very large question how far that is desirable, but if we were to go into the argument as to the relations of Federal and Provincial finance now, I am sure I could not do justice to it.

Chairman.

15,083. Mr. Zafrulla Khan, I must adjourn the Committee. I am under strict injunctions from the Committee to adjourn at five o'clock. I propose to ask Mr. Churchill whether he can attend the further meeting of the Committee to-morrow evening at five o'clock, when possibly his examination may be concluded?—I am entirely at your disposal, my Lord Chairman.

Ordered, That the Committee be adjourned to to-morrow at Five o'clock.

## DIE MERCURII, 25° OCTOBRIS, 1933.

## Present:

Lord Archbishop of Canterbury.  
 Marquess of Salisbury.  
 Marquess of Linlithgow.  
 Marquess of Reading  
 Earl Peel.  
 Lord Middleton.  
 Lord Ker (Marquess of Lothian).  
 Lord Hardinge of Penshurst.  
 Lord Irwin.  
 Lord Snell.  
 Lord Rankeillour.  
 Lord Hutchison of Montrose.  
 Major Attlee.

Mr. Butler.  
 Major Cadogan.  
 Sir Austen Chamberlain.  
 Mr. Cocks.  
 Sir Reginald Craddock.  
 Mr. Davidson.  
 Mr. Isaac Foot.  
 Sir Samuel Hoare.  
 Mr. Morgan Jones.  
 Miss Pickford.  
 Sir John Wardlaw-Milne.  
 Earl Winterton.

The following Indian Delegates were also present:—

## INDIAN STATES REPRESENTATIVES.

Sir Akbar Hydari.  
 Sir Manubhai N. Mehta.

Mr. Y. Thombare.

## BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.  
 Sir Hubert Carr.  
 Mr. A. H. Ghuznavi.  
 Lieut.-Colonel Sir H. Gidney.  
 Sir Hari Singh Gour.  
 Mr. M. R. Jayaker.

Mr. N. M. Joshi  
 Sir Abdur Rahim.  
 Sir Phiroze Sethna.  
 Dr. Shafa'at Ahmad Khan.  
 Sardar Buta Singh.  
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

The Right Honourable WINSTON SPENCER CHURCHILL, C.H. (A Member of the House of Commons) is further examined as follows:

Mr. Zafrulla Khan.

15,084. Mr. Churchill, yesterday when the Committee rose I was questioning you on paragraph 11 of your Memorandum with regard to the inspectorate. You said you were not willing to enter into a discussion of the details of Federal finance, but, without entering into those details, may I ask you one or two questions to get your meaning clear on some aspects of this suggestion of yours regarding the inspectorate. You say: "The Government of India, collecting taxes with the British army behind it as its ultimate sanction, cannot transfer large grants from the centre to the provinces, except in so far as it is sure they are spent for the purposes designed and with reasonable efficiency." Do you visualise grants-in-aid from the Centre to the Provinces for this purpose earmarked with regard to their object? —I certainly think that arrangement would be beneficial.

15,085. Supposing that there was money available for these grants and

they could be earmarked for that purpose, your suggestion would then mean that the inspectors would go and inspect the administration of these Departments only so far as it related to the expenditure of money which had been granted by the Centre to the Provinces?—Yes.

15,086. How would you divide up the system of inspection in that case? Supposing the Province was paying nine-tenths of the expenditure on the Department of Education and one-tenth came as a grant from the Centre, what is the kind of method you have in view for the inspector to follow?—He would, of course, visit, first of all, the Centre of the Government and he would discuss with the officials. It is probable that in nine cases out of ten he would not be put to any further labours; the situation would be satisfactory. The additional one-tenth coming from the Centre would be granted and we should have to take a step forward, but if it was found that there was a very serious retrogression in the character of the education in this

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Province then he would go back to the Government of India and he would say: "This Province is much behind the others and the reasons for the differences which exist are not sufficient to explain this. We suggest that you should write to them, point out the defects, and ask them to take measures to improve the standard." Then if, after a long time, they paid no attention, they might have to continue to manage their education without the one-tenth which you have indicated would come from the Central Government. But before that point was reached in ordinary practice local administration would be found anxious to put its position in good order. After all, it would desire to have the children well educated and it would also desire to earn this additional grant from the Imperial Government, and it is very likely that without any deduction being made at all a better state of things would arise all round. The case for Provincial Home Rule would be made more secure.

15,087. I am afraid I was not able to make my question clear. My question was this: Do you propose that the inspectorate should inspect the administration of these Departments over the whole field of those Departments or only to the extent to which money had been granted from the Centre?—It is impossible, once money is put into a pool and spent out upon services to earmark any particular lakh of rupees to any particular school or form of education. Obviously, their inspectorial function would extend to the whole service.

15,088. That is what I would have thought. Therefore, this inspectorate of the Government of India would have the jurisdiction to inspect all the Departments of the Provincial Government over the whole of their field, except the Police and the Judiciary, which under your proposals would be reserved?—In principle, they would.

15,089. There may not be necessity for a time, but there would be jurisdiction to do so?—I think jurisdiction is not quite the right word.

15,090. Perhaps you would supply the correct word?—Yes. They would have a right of inspection.

15,091. Over the whole field of administration?—Yes; but supposing they found fault and the Provincial Government did not agree with them, it is not suggested that they would have any remedy; the

inspectors would have no remedy, except to withhold a portion of the grant.

Sir Austen Chamberlain.

15,092. May I put one question to clear up what seems to me to be a misunderstanding? When you were speaking of the money being allocated to a service you meant a service like Education, and you would then examine whether the education was reasonably efficient or was seriously retrograde?—Yes.

15,093. But you did not mean, did you, that if you gave a grant-in-aid on education that would give you a right to inspect the sanitary service?—No—only in respect of the specific grant

Mr. Zafrulla Khan.

15,094. But you do mean, do not you, Mr. Churchill, that these grants-in-aid should be towards all the Departments of the Province, and therefore the inspectorate should have the right to inspect all the Departments, except Law and Order?—So far as the funds were partly supplied from the Centre—and I think they should be partly supplied from the Centre—the inspection would follow and the measure of control would be obviously proportioned to the importance attached by the Provincial Government to the grant which it received from the Centre.

15,095. So that your suggestion is this, if I am right in understanding it, that if the Centre is able to make grants-in-aid towards all the Provincial Departments, it should do so and it should, as a consequence, set up an inspectorate with regard to all Departments?—If it were able to do so it would be better that it should do so, and the inspection should follow the grant.

15,096. Of course you are aware that under the present system with regard to the transferred Departments in the Provinces. Education, Medicine, Public Health, Public Works, Local Self-Government, and other Departments which are transferred, there is at present exercised no control from the Reserved Centre?—Yes.

15,097. And you would agree, would not you, that if your system could be followed and were followed then the Reserved Centre which you propose would have in these Departments that have already been transferred a power of supervision over the Provinces which it does not at present possess?—But then I

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think you must look upon that as part of the process which I hope will continue during Provincial Home Rule, of laying the foundations for a unified Federal system when Provincial Home Rule has been proved to be a success. It is a certain sacrifice in the absolute independence of the Provincial administration, a sacrifice for value received, leading up to an object which I understand is sincerely desired.

15,098. True, Mr. Churchill, it may be a very good suggestion as you say, but to the extent to which I have put it to you in the previous question, it is going back, as it were, and will be a supervision over Provincial administration which does not at present exist. To that extent it will be a restriction of Provincial authority in those matters—for a good object, as you say?—Yes; it would be a step back to make sure of taking a larger step forward towards the effective unification of India.

15,099. Now, taking another point, as you have said already, if it were not possible to grant these moneys from the Centre in the manner you have suggested, the basis of your proposal falls and you would view that with very great regret, because then the reproach which you have been trying to remove from the White Paper proposals would remain there?—Yes.

15,100. Supposing it was not possible, in the nature of things, to adopt this suggestion for the lack of funds, have you any other suggestion which might nevertheless remove this reproach?—Of course, so long as things go on as they are at present, I accept the *status quo*. It is where these new cabinets are formed with responsible control of the Provinces that the new departure begins, and in regard to that I consider that the onus rests upon the Secretary of State and His Majesty's Government to provide a satisfactory answer to the complaint or charge which will be made against them, and is already made against them, that they are showing themselves negligent and careless of the well-being and cultural and social progress of the Indian masses.

15,101. You have said that you are willing to accept the present position so long as it exists?—Well, I am partly responsible for it.

15,102. I am going to put a question upon it. When the new responsibility of the Ministers begins you would wish

to bring in a certain amount of control, but Ministers at present in the Provinces, who are in charge only of the Departments that have already been transferred are not subject to that control, as you have admitted, and yet they are at present responsible with regard to any new responsibility that arises under the White Paper only with regard to the subjects that have already been transferred?—To the Department?

15,103. Yes. I suggest that the responsibility with regard to these particular Departments will continue to be the same?—But the actual administrative responsibility of the departmental head for his Department, not the collective responsibility of the group of Ministers to a representative Assembly, which under Provincial Home Rule, will be, to all intents and purposes, a Cabinet for the Province.

15,104. Could you inform the Committee to what extent would the responsibility of the Director of Public Instruction in a Province be different under the new system from what it is under the present system?—He would be a member of a responsible administration instead of as under the Montagu-Chelmsford Scheme. He would not only be responsible for the management of his Department, but he would be a member of the Cabinet for the Province.

15,105. No, the Director of Instruction will not be a member?—If he was not a Cabinet Minister, it would be different. That may be a Department which was not included in it. There would be some member in a Cabinet for a Province who would be able to speak in the Council or Cabinet of the Province with regard to matters of education. We have many Ministers in our Government who have Departments under them of great importance, but sometimes they are not Cabinet Ministers. They would, however, be summoned to the Cabinet if their Departments were being considered and, failing that, other Ministers would assume the responsibility as Councillors.

15,106. The situation as regards the present Provincial Cabinet is not quite clear to you, if I may say so, Mr. Churchill. The situation is at present that the Minister of Education—you said Departmental Head—is a Member of the Cabinet. He will continue to be, and I say that the responsibility will be the same under the new Government; there

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will be no new responsibility added, and therefore the suggestion that, because there will be no responsibility, there should be no control, loses its basis. He is at present a Member of the Cabinet and responsible to the Legislature with regard to the Department of Education?—With regard to that Department, yes; but the collective power of the Cabinet will be increased by the establishment of Provincial Home Rule. He will be a Member of a body which has as a whole responsible functions collectively. That is a very different thing from being a Member of a body which is partly controlled by the Governor's Council and only partly controlled by the Ministers who are responsible to the Assembly.

15,107. Now, looking at both these suggestions together (I have been asking you questions with regard to 3 and 4 separately) in case your suggestion was carried into effect, would you consider that any safeguards in the form of special responsibilities and special powers of the Governor would be necessary in the Provinces?—Do you mean in case of emergency?

15,108. In case 3 and 4 were given effect to—a Deputy-Governor in charge of Law and Order and an inspectorate; would you consider any further safeguards in the Provinces were necessary, or would you be content with these?—I take as my basis the Report of the Statutory Commission and I am contemplating the fabric of the Statutory Commission. I am not suggesting that those safeguards that they have proposed should be added to or altered at all. Their aim was broadly to entrust Provincial Home Rule to the elected Assemblies in the Provinces and to keep the principle of dyarchy out of the Provinces as far as possible, and to keep it out as far as possible is also my object.

15,109. Except that you would bring in dyarchy with regard to Law and Order?—That is quite true.

15,110. You would also impose as a condition of the functioning of this Home Rule approval of the policy of the Ministers from the Centre through their inspectorates?—No, not approval of their policy at all, but the power to withhold a desirable grant or to reduce a desirable grant; no more than that. They might say: "Well, we will do without your grant; we prefer to keep the service in its present condition." That would be their responsibility.

15,111. May I now draw your attention to page 55 of the White Paper? It is true that apart from the fact that your own scheme, as you said yesterday, is within the ambit of the Statutory Commission's Report, you have carefully studied the proposals of the White Paper nevertheless?—I have indeed.

15,112. Will you tell me, without reference to the Statutory Commission, whether in view of your suggestions in 3 and 4 of paragraph 10 of your own Memorandum any of the provisions of paragraph 70 on that page would still be necessary?—Oh, yes, certainly; my proposals are intended to be additional to what is set out in paragraph 70.

15,113. So you would require paragraph 70 plus your own suggestions?—Exactly.

15,114. Would you say that your Provincial Government constituted on that basis would be a responsible Government?—Certainly I should.

15,115. May I draw your attention to a certain portion of your speech, which has already been referred to, in the House of Commons on the 3rd December, 1931, at page 231. You say: "Internal security, in the ultimate issue, must be reserved. The protection of minorities must be reserved. The minorities in India, added together, are majorities, substantial majorities. They are entangled at every stage with the Hindus. There is to be no discrimination against British trade, and the interests of the Services are to be properly safeguarded." Then, omitting one sentence which has no bearing on this question, you go on to say: "I will not take up the time of the House in arguing how much will be left of responsible Government, or what will be the meaning attached to the phrase 'responsible Government' when all these safeguards have been given full and loyal effect to." Now my question is this: You have not explained to the House—perhaps you will explain to the Committee in answer to my question presently—how much responsibility will be left to the Provincial Government when all the safeguards under paragraph 70 are fully and loyally given effect to plus the two safeguards you desire to add to them?—I should be very much obliged if I might see a copy of my speech, if Mr. Zafulla Khan will allow me just to look at it for a moment, because there is always a difficulty in

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replying on one part of a statement without knowing where it fits in.

(A copy of Hansard is handed to the Witness.)

15,116. It is in Column 231<sup>2</sup>—I have refreshed my memory with that. Would you kindly tell me the question you want to ask? "How much responsibility will be left?"

15,117. You have there said, enumerating these safeguards as laid down in Paragraph 70 that you will not there argue the question as to "how much will be left of responsible government, or what will be the meaning attached to the phrase 'responsible government' when all the safeguards have been given full and loyal effect to"?—Yes

15,118. Will you tell the Committee if all these safeguards have been given full and loyal effect to, and the two further safeguards that you desire are added to them how much will be left of responsible government in the Provinces?—I have not been able to read the whole of the context, but I think that my purpose in speaking in that sense was mainly directed to the Federal aspect, and I think that the interpolation which I made there that I would not examine how much would be left of responsible government at the Centre is a point which in its place in the argument, may properly be used in respect of the Federal aspect; but, so far as the Provinces are concerned these reservations in Paragraph 70 are in the main reservations which only come into play when some exceptional state of affairs has arisen.

15,119. So it would be in the Federal sphere?—It seems to me that after these reservations had been confided to the Governor there would still remain an immense sphere of practical work and usefulness and discretion in which the responsible ministers could exercise their full functions and discretion.

Sir Samuel Hoare.

15,120. Perhaps Mr. Churchill will, not now but at some future time look at his speech. I think he will find, as far as I remember the occasion, that he and I were having something in the nature of an argument about the way these powers should be exercised. My memory if it is correct certainly goes to show that he was dealing with the Provincial administration, and, in any case, I would remind him the safeguards for the Federal Government are exactly the same with

one minor exception as the Provincial safeguards?—No, I think my right honourable friend, intervening from memory, and guided by his wish to turn the point against me, has come down on the wrong side because I see quite clearly that in the passage immediately preceding this quotation it is perfectly clear that I am referring to the Federal aspect. I speak about the Statute of Westminster, and I proceeded to say how important it is for the House to read the Secretary of State's speech with all its reservations and safeguards. "He spoke of the army. That must be reserved. Foreign affairs must be reserved. Financial stability, that is to say the balancing of the budget, currency, the banking system—all these must be reserved," and so on. Those are the lines which immediately precede this passage, so it is perfectly clear that I am dealing with the Federal and not with the Provincial aspect, but it is also perfectly correct for Mr. Zafrulla Khan to say that the argument used in one sphere may be applied to the other. My argument on the second sphere of Provincial government would be that the addition of this inspectorate to follow up grants of money from the Centre, and the retention of the Police in the manner I have described, added to the safeguards in Paragraph 70, will still leave an immense effective sphere for the responsibility of ministers, and one which has only to be filled adequately to find itself constantly enlarged.

Mr. Zafrulla Khan.

15,121. That, of course, is a question of argument. With regard to this sphere of responsibility there have been many questions put to you, Mr. Churchill, with regard to the intelligentsia and the politically minded classes. I have no desire to repeat any of that but may I put this to you that whatever their standing, or their strength, or their influence over the masses, you will agree with me that those are the classes that must come in to work the constitution whatever constitution it may be?—Certainly.

15,122. And that if the constitution which emerges from Parliament finally is of the kind which the intelligentsia or politically minded classes think it is not worth coming into, not worth staking their credit in the country for, because it did not really place responsibility on their shoulders even in the Provincial sphere, the constitution would



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not properly work?—Of course, if the politically minded class of India, and all those innumerable capable servants and officials who have hitherto been the method by which the Government of India has been carried on, with a certain amount of assistance and supervision from the British—of course, if they all unanimously and unitedly decline to give their services, undoubtedly that would create a very difficult situation in India, but I do not contemplate such a thing happening. But I do not believe such a thing would happen or could happen except for a very few days or a very few weeks, because, numerous as are the official posts throughout India held by Indians, the number of Indians qualified to fill those posts is far greater (enormously greater) and I cannot believe with a fair offer being made and large new responsibilities being extended we should find ourselves in the presence of a universal strike against accepting functions of government on behalf of the Indian intelligentsia. On the contrary I think there might very well be immense eagerness to fill the places which were vacated, or which some refused to fill. There might be, so far from being a general abstention, be something like an ugly rush to fill these important places with the valuable services and remuneration attached to them.

15,123. You will I am sure forgive me, working as I am under a handicap, English not being my mother tongue, and I repeatedly fail to make myself understood in my questions. May I make another attempt? I did not refer to the permanent Services which are filled largely by Indians; they are not, I hope, regarded as the politically minded classes who will have influence with the masses in order to work or not to work the Constitution. What I meant was that your legislatures and ministries in the Provinces whose, surely, must be the responsibilities, must be drawn from non-official responsible politically minded classes in India. Apart from the actual machinery of administration, if your scheme, as I assure you it will be looked upon, is looked upon by these classes as so unduly restricting the responsibility, even in the Provincial sphere, that they did not think it worth while to give up their ordinary avocations to come into the Government as legislators and administrators to work this constitution, will you agree with me that it would not be worth while trying to put into force such

a constitution?—That is a contingency that might arise in regard to any scheme, and I cannot admit it is liable to arise merely because of the two additional suggestions which I have made, but if it did arise and there was a general disinclination on the part of the political classes to work the political part of the Provincial administration, then, of course, we should have to carry on as we have done for a great many years with great success, and for the time being we should have, as it were, to hold these powers, which were disdained or rejected, in trust until such time as opinion changed and people came forward anxious to exercise them. I have not, of course, all the details in my mind, but I believe there have been occasions when some of these bodies have failed to function, and when the Governor and officials have had to carry on without their aid and I believe they carried on extremely well sometimes to the great satisfaction of the masses in the Province.

15,124. With regard to the earlier part of your answer where you say you do not think your two additions will make all the difference may I put this to you? I did not say that by virtue alone of these two additions the people will think there is a restriction on responsibility. My contention is this, that even you seemed to think when speaking in Parliament on the occasion to which I have already referred that this set of safeguards in Paragraph 70 in themselves was a serious encroachment upon the principle of responsibility and the addition of two very large elements (you call them small, we differ) in the way of reservation of Law and Order and supervision of administration from the reserved Centre might make those classes feel that those were the last two straws that broke the camel's back?—I hope it would not be so. I hope the camel would be robust enough to bear those considering that he was moving forward along a path that led to such pleasant pastures and grazing grounds.

15,125. Only one or two questions more, and I need not trouble you any further. They are these. Will you kindly look at paragraph 14 of your Memorandum?—Yes.

15,126. You say: "There is therefore no case for reconstituting the Central Government on the grounds that it cannot discharge its functions." Supposing the Central Government had not proved itself fully capable of dealing with

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a situation of lawlessness and disorder in India, would you think that was a ground for advancing towards Responsibility at the Centre?—Yes, but it would not follow that the method of advance would be by further extension of autonomous institutions.

15,127. May I put to you another consideration under this paragraph 14? Will you admit that the legislature at the Centre has, in trying to deal with the situation that has arisen given all the necessary powers by ordinary means of legislation to the Central Government recently? It has strengthened the general Criminal Law of the country in order to invest the Government with the necessary power to deal with the situation that has arisen?—Of course I follow these matters only as a Member of Parliament. I have not the special knowledge, but, as far as I have been able to follow these matters, the action of the Assembly has been a real support to the Government during this period, and I am very pleased to see that that has been the case in many matters, in many respects, and that is one of the reasons why I am not so convinced as some others are that the present Assembly is a bad one and ought to be swept away and replaced by something quite different. I think it looks as if the Montagu-Chelmsford Assembly was not working so badly at all in all the circumstances from everybody's point of view.

15,128. My point is this, and I put this to you as having some knowledge on the matter, not merely having looked at the matter from a disinterested point of view that the attitude of the Assembly in granting these powers, and the capacity of the Central Government itself to cope with the situation, has been beneficially affected to a very large degree which would otherwise have been impossible by two factors. One is that the hopes aroused in India that it was shortly going to shoulder the responsibility of government on a full responsible basis in the Provinces and a partially responsible basis in the Centre has, to a very large extent, deprived the elements of disorder and disruption of their support. The second factor is that in dealing with this situation the Assembly, hoping that the new constitution was soon coming into force, has thought that it was necessary to arm the Government with those powers in order that it might deal with that extreme element. If this hope is now dashed I think the two great supports

of the Government in dealing with the situation will have been withdrawn. Would that affect in any way your attitude towards the scheme of the White Paper?—I certainly think that due weight should be given to the argument which Mr. Zafrulla Khan has addressed to us, certainly due weight should be given to it.

15,129. My last question is on the last sentence of your Memorandum. "The establishment of successful self-governing Provinces must precede all question of their union in a Federal system"?—Yes.

15,130. What would be your test of successful self-governing Provinces, and over what period of time would you extend it?—I have already said certainly more than ten years, and, as for the test, it would be a matter which everyone would have to judge, and which would be apparent. If the services were maintained or were improving, if there was good feeling and absence of subversive agitation of all kinds, if peace reigned between the different races and religions in the different Provinces, and generally people were animated by a strong spirit of co-operation and desire to ameliorate the general conditions of those among whom they lived, and for whom they were responsible, and if everyone who looked at the Indian scene could say, "See how much better this is being done now that they have Home Rule in the Provinces" the further advance to unite those Provinces would be irresistible, but you cannot lay down any precise test and say there must be so many pupils in a school or there must be such-and-such a standard in irrigation, or in forestry. It is taking a period of time. Obviously after a time an impression will be made upon everyone, and upon the whole world.

15,131. I do not want to ask any more questions?—I would like to say, if I might, that I have not felt that Mr. Zafrulla Khan has been at any disadvantage through any lack of command of the English language.

Sardar Buta Singh.

15,132. I want to put one or two questions, with your permission. I want to carry a little further a question which has been put by my colleague Chaudri Zafrulla Khan, and I would like to draw your attention to an answer given to a certain question put by Mr. Isaac Foot here in this Committee, to Sir John Thompson and his colleagues, and I hope that after hearing that reply, the

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answer given by those men who have got such a great administrative experience, and a very recent experience in India, you might modify or change your opinion. The question was put: "What would be the result of the loss of that co-operation?"—"co-operation" means not working the scheme as you present it, that is to say, if the politically minded people are not willing to work that scheme. The question put was: "What would be the result of the loss of that co-operation?" The reply was: "I think the result would be a storm of agitation such as we have never had to face before." Then another question: "Would it be going too far to say from your answers to Lord Lothian that, in your opinion, there is no alternative in the future of India between a larger measure of self-government and Military autocracy?"—(A) Yes, I think that is true, but I do not think that Military autocracy would ever work in India under modern conditions?"—That is Sir John Thompson is it?

15,133. Yes, and Sir Alfred Watson, and Mr. Edward Villiers, and many other distinguished people whom they represented, who have got many positions, such as that of Governor of a Province and others, this is their opinion, that if people are not willing to work that scheme, there would be a very great agitation, a huge flood of agitation, I should say, and that would be unable to be governed by military autocracy. What is your opinion after hearing that?—My opinion remains quite unmoved because these gentlemen are notorious propagandists and agitators in favour of the White Paper. They have formed a small society, supported I believe with the patronage in one form or another of the conservative central office, and are actively carrying on a partisan campaign in all parts of the country in order to gather support for the White Paper, and although their words are no doubt interesting to repeat and although we must not credit them with anything but sincerity, I decline utterly to take what they say as gospel. Indeed, I should hardly have thought there was any testimony which should be more readily discounted than that which they give.

Sir Austen Chamberlain.

15,134. You are in fact carrying on a propagandist campaign of your own in

opposition to them?—I am in fact. That is perfectly true.

Sir Samuel Hoare.

15,135. It would also be true to say, would it not, that representatives of your propagandist organisation have given a great deal of evidence before this Committee?—That may be so, true, but you would hardly expect to convert Sir John Thompson by reading out to him passages from my evidence.

Archbishop of Canterbury.

15,136. Are we to understand, then, that whether it be Sir Michael O'Dwyer or Sir John Thompson or anyone who has given the benefit of his experience to the guidance of English opinion in this matter they are not to be trusted and their evidence is to be discounted by us?—No, I did not say that, nor would that be, your Grace, a fair assumption from what I said, if you will allow me to say so. I am dealing with the point put to me as to whether my personal opinion, as one whose opinion has been known and declared, is likely to be altered or should be altered by the evidence of the protagonist on the other side. The Committee have a different function altogether. They hear all opinions, and it is their duty to balance them, but when my friend here invites me to say whether my opinion is altered in consequence of Sir John Thompson's evidence, I cannot help saying, and it would be dishonest for me to conceal the fact, that I have not felt my opinion at all affected thereby.

15,137. I thought you indicated in what you said that such evidence was to be much discredited?—To be discredited by those who do not agree with that point of view and who are engaged in this controversy, but I was not suggesting at all that the Archbishop should not weigh it and treat it at its proper value in relation to all the other evidence to which he is listening in this enquiry.

Archbishop of Canterbury.] I am grateful to you for leaving my judgment free.

Marquess of Lothian.

15,138. Mr. Churchill, are we entitled to take it that it would be legitimate for this Committee to apply the same adjectives to your propagandists as you have applied to the propagandists on the other side?—I have not the slightest doubt

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that Lord Lothian has already applied worse adjectives to them. Naturally I will weigh what Sardar Buta Singh has pointed out, and we all ought to.

Sardar Buta Singh.

15,139. I have another question to ask which extremely concerns me, being a member of the masses which are in India?—Yes.

15,140. I have been much interested in your evidence here, in your memorandum and speeches made by you outside—I should not have said propaganda. You claim to be very much interested in the welfare of the masses, and I hope that it is true and there is no mental reservation behind that?—No, none.

15,141. That is very good. I would like to put this before you. You have said that what these Indian masses require is "Peace, justice, hygiene, and scientific development," and they "form the sole foundation whereby not only the well-being and progress but even the very existence of scores of millions of Indians depends." I would request you whether you would be willing—because you say this is the sole foundation—also to add that it is not only the sole foundation but the Indian masses are also interested in many things, such as the advancement of agriculture, co-operative banks, the advancement of education, and one thing in between, because most of the masses you will agree with me, if they come from the villages, and most of them depend upon agriculture, are agriculturists. That you would agree with me?—Yes.

15,142. Then in that case those people would also depend upon easy accessibility to markets, and cheap freight rates, and also they are interested in the exchange rates?—Yes.

15,143. Because the value of their produce depends upon that?—Yes.

15,144. So you would agree with me that the sole foundation is not what you said but you would also include these things?—Yes, I would certainly add them.

15,145. In that case I would request you to remember that these Indian masses have got much to say as to the amelioration and betterment of their conditions. You would agree to that as well?—Yes.

15,146. Taking all these things into consideration—because I take my stand on that—you are actuated by very good feelings for the well-being of those masses?—Yes.

15,147. Would you agree that the masses should be given adult suffrage?—No.

15,148. Why not?—Because I think it is quite impracticable.

15,149. If it is practicable and if it is to their interests, would you or would you not agree to it, if it is proved to you that it is to their benefit, because in that case I would like to put before you that they would be able to look after their own affairs, not only the handful of educated people, as you appear to say, but they will themselves come forward, and will look after and take care of their own interests?—I think adult suffrage in India is outside any idea which anyone has put forward at the present time, and I think it is extremely arguable if it were practicable to have elections in which, I suppose, seventy or eighty millions or more of voters could record their votes. It appears to me to be very doubtful whether that would afford a foundation upon which good government would arise. Of course, we have to bear in mind how many countries in Europe have tired altogether of the Parliamentary system, have put it aside, have regarded the expression of opinion by the voting masses as leading to very injurious results, and how, supported by those very masses, they are almost everywhere now setting up autocracy and Dictatorships, we being almost the only exception.

15,150. It is not so in this country. You are governed by that system, and I am also looking forward to that system. I have got nothing to do with Germany or France or anybody else?—But still it is a movement of world opinion which I regret.

15,151. Then you so far agree that these masses have got much at stake and that they should be given much more power to manage their own affairs?—But experience often shows that when they are given votes and told that they can manage their own affairs the first step they have taken in a great many countries is to yield themselves up to Dictatorship.

15,152. But you say that you are prepared to make that experiment?—That really embodies the strength of the position I am unfolding. Here we have made that experiment; but how? Over hundreds and hundreds of years we have built our institutions up out of tiny little Village Councils year by year until we have got

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to a body of solidly grown opinion. That is why we must be so careful in India to begin at the top and build down and create institutions which even in this country are open to great criticism and are only kept in being by an enormous amount of comprehension and give and take.

15,153. But do not you think that times and circumstances have already changed? Things might have been done in that way years ago, but in this Twentieth Century things are done very rapidly and differently?—That is just the point; they are done very differently from the Nineteenth Century.

15,154. I want to put another question to you. You say in your Memorandum, paragraph 8. "The government of India is mainly an administrative problem. Constitutional questions scarcely at all enter the life of the people"—Yes.

15,155. I would draw your attention again to a reply by a very distinguished administrator in India, Sir Charles Innes. He says: "The White Paper scheme is consistent with our past policy in India and with the pronouncements made by the Prime Minister, and moreover it seems to me to be correct in principle." This is the passage I wish to draw your attention to: "India used to be primarily an administrative problem; now it is primarily a political problem, and for the problem as it is now, the true remedy, if there is one, lies in responsibility." Again he says: "Moreover the White Paper sets out to range on its side the forces of public opinion in India without which, as already pointed out, no constitution can be expected to work successfully, and I attach the greatest importance to this object for two reasons. In the first place, the only permanent link between this country and India is mutual goodwill, and secondly, it is most desirable that we should switch the thoughts of educated India off political controversy on to constructive work of which there is so much to be done in so many fields in India." After hearing this reply, what have you got to say, because the reply I have read to you was made by a man who has got experience. As for yourself, as you have admitted, you have not been to India for a very long time, and here is a man who comes just now, and he says these things with his own experience, with his own knowledge of things which he has seen with his own eyes?—I could find gentlemen with just

as great experience and just as great knowledge who would interpret the facts you have mentioned in a different way, and who would draw different conclusions from them. As between the different views of the experts I do not incline to the view of Sir Charles Innes I am so sorry.

15,156. You do not agree with Sir Charles Innes and you do not agree with other very successful administrators there, but I may tell you that I am one of the masses in India, and I do want all these things, not only for myself but for all the masses of India?—The fact that you are one of the masses will greatly increase my regard and admiration for them.

15,157. There is one question which has already been put, but I want to draw your attention to it, Mr. Churchill. It is my painful duty again to refer to the sentence about the "sensible deterioration of services." I have given you plenty of evidence in proof of the facts which I wanted to prove to you, but you do not agree with me nor with those administrators, but here you make a certain statement. My friends have tried to find out whether you had got any instances or authority in support of it. You have failed so far to give any authority or any instance. I would like to draw your attention to a sentence which you yourself have so cogently put. It is the last line of paragraph 13. You say: "But the proofs must be facts and not words." Just as you claim that when we say anything we should give hard facts as proof, you have not given any proof. So I would request you kindly to take into consideration that you have not been able to substantiate this claim of yours, that there is a sensible deterioration of the services, and I would request you to modify that statement?—I have not attempted to do so with details, and if I were to do so I should require to present a very lengthy case, but I am not making any sweeping accusations at all. I have heard from various quarters and, of course, the Joint Select Committee will have to make up its mind about that, that there has been a deterioration in some services and in some Provinces, but I may be wrong.

15,158. Yes, you are wrong?—I am wrong?

15,159. Yes?—If that is so, I am, but I shall hold my judgment in suspense,

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since you say that, until I have seen what the Joint Select Committee report, and until we have finished the debates in Parliament upon the Bill.

Sir Akbar Hydari.

15,160. Mr. Churchill, are you one of those who consider that the Indian Princes at the time of the Declaration which they made at the first Round Table Conference were stampeded into Federation?—I should hardly like to use such an expression of such exalted personages, but I think they were very precipitate in what they did. I think they took a course which a long view will show will not be in accordance with their interests as ruling Princes.

15,161. You are aware I suppose of the institution of the Indian States Committee presided over by Sir Harcourt Butler in 1928 and 1929?—I have not the details in my mind.

15,162. But you would I suppose accept that Committee to be a Committee of administrators who had very much a conservative bias?—I have not the personnel of the Committee before me, and I am bound to say that I am not at the moment familiar with the document from which you are going to quote.

15,163. Have you seen the Simon Report, within the ambit of whose recommendations you want a great deal, and rightly?—Yes, I have read that Report.

15,164. Then may I refer you to what they extract in paragraph 228, Volume II, page 195, of that Commission's Report: "We have left the door open to closer union. There is nothing in our proposals to prevent the adoption of some form of federal union as the two Indias of the present draw nearer to one another in the future. There is nothing in our proposals to prevent a big state or group of states from entering now or at any time into closer union with British India. Indeed, in the next section of our report we make suggestions which, if adopted, may have this result. These things may come. But it has been borne in upon us with increasing power, as we have studied the problems presented to us, that there is need for great caution in dealing with any question of federation at the present time, so passionately are the Princes as a whole attached to the maintenance in its entirety and unimpaired of their individual sovereignty within their states". So

that this Committee actually made this recommendation and they sounded a note of caution because they did not want to disturb the Princes in their idea that anything might be done which might interfere with the internal sovereignty of their States. This problem, therefore, was before the Butler Committee, and if you were to look into it, they made several proposals with regard to bringing the two Indias into closer union in response to a demand which they said was insistently being made by the Princes themselves. Now may I refer you to paragraph 227, pages 193 and 194, Volume II, of the Simon Commission Report. I will not read the whole of it because I do not want to take up your time; I have only two or three questions to ask; but I would like to invite your attention to the fact that this Committee came to the conclusion that they could not proceed further with the consideration of British India's Constitutional problem until they had got in also the opinion of the Indian States, and they therefore welcomed the letter of the Prime Minister in response to theirs in which the Round Table Conference was suggested, and in which there were representatives of all the Parties. I am simply referring to this Statutory Commission Report because, rightly as I say, it is a document of the highest importance and to whose conclusions I for one attach the greatest possible value. Therefore, this was the position at the time of the Round Table Conferences, and if you will take this Report, paragraph 228, you will be aware that after reading this announcement of the Viceroy about the Round Table Conference, His Highness the Maharajah of Bikaner, who has been the Chancellor of the Chamber of Princes for many years, referred to the sympathy and support of the Princes which he believed would be forthcoming in a very substantial and practical manner at the proposed Conference, and added—and now his own words are quoted: "The Princes have openly given expression to the belief that the ultimate solution of the Indian problem and the ultimate goal, whenever circumstances are favourable and the time is ripe for it, is Federation, which word has no terrors for the Princes and Governors of the States". Therefore, does not this follow, that the Princes had been giving a great deal of consideration to these problems and that Federation



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was not a new idea for them and that it had no terrors for them? May I say that before I was sent out to this Round Table Conference my own instructions from His Exalted Highness the Nizam were also, after carefully considering all the pros and cons of Federation, to say that he desired—and I am quoting his words—“To an All-India Federation the attitude of my Delegation should be one of sympathy but also of wise caution”. So that you see before we landed here we were quite prepared to go into this question in all its bearings and also when we came here. Would not this show that any statement that we were stampeded suddenly is unfounded?—I made no such statement.

15,165. Then you would concede that whatever declarations were made, were made after due deliberation?—I have no doubt.

15,166. From several of your observations I thought that you were under the impression that the Princes had not carefully made their position clear and that they had come in by a sudden gust of impulse?—No. Of course, I could say a good deal upon that subject, but I should not be sufficiently sure of every word that I should say upon it before this Joint Select Committee to make me feel that it would be useful or me to embark upon it. I certainly know, of course, that Federation had long been discussed and three or four years ago when the Round Table Conference was set up there was a somewhat different atmosphere in Great Britain upon the Indian question from the present atmosphere, and there was I think more uncertainty in India about the whole position of the British Raj than there is now. It seemed to me that there was a great deal of disorder and disturbance there and there seemed to be a lack of will power on the part of the Imperial Government to do its duty and maintain law. In consequence of that it seemed to me that the Princes felt insecure—felt that perhaps there was going to be a great departure of the British, a relinquishment of power by the British altogether and in that case it would be necessary for them to come to terms with the new authorities which were going to rule. In that sense I think they came to a conclusion which has not been proved correct by the march of events, that they were misled in their judgment of conditions here, because now the position in India is very much better

and those dangers which seemed to threaten us then do not seem to threaten either the British or Indian Communities now in the same degree. I am bound to say that I think the Princes would be well advised to wait until these Provincial Home Rule Governments have proved themselves living entities and there are these strong, prosperous, well-governed Provinces in existence throughout India which will be in a way the counterparts of the States over which the Princes rule, and then you will have all the different units out of which a Federation could be made. Therefore, I have regretted certainly that the Princes should have come forward at this stage when so much is unknown and unknowable and have committed themselves, or some of them have committed themselves, to this Federal scheme.

15,167. That is, of course, your opinion which we greatly value, but all that I wanted to point out was that the Princes consider this position to be in their interest, and if you are referring to the condition of things in England and to the Government that was in power in England when the First Round Table Conference took place, was it not also the same Government which was in power when the Second and Third Round Table Conferences took place?—No, it was a different Government, but it boasted that it carried on the same policy. In fact, however, it made a lot of strangers.

15,168. I thought, however, you implied, at any rate, that the Government that was in power subsequently gave an assurance of a different constitution or had a constitutional mentality different from what we had to face at the time of the First Round Table Conference, but is not it a fact that the Princes, so far from resigning, have continued to work towards Federation? May I refer you to a speech which I made at the end of the Third Round Table Conference, an extract from which, taken out of its context, has been very much misread. I said there in reply to the British Indians this. I was making an appeal to them not to suspect us with regard to the Federation and the way in which we had tried to make the whole picture more stable: “On the contrary, Sir, during this Conference as we of the Indian States have come up against difficulties, in the same proportion have we shown our desire to overcome them and to attain the goal.” I pointed out as to how with regard to the Legislature, taxation and



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so on, we tried to meet our British Indian friends as far as possible. Does not all this show that the Indian Princes felt that forces are moving so fast both in India and in England that when they have received an invitation to join in constructing a policy for India it should be framed on lines on which they could also continue to work, in which their connection with the Empire should also continue, and in which the legitimate demands of British India could be satisfied; and it is for that reason that the Indian Princes have come and tried to work the Federation?—I think they are judging the circumstances wrongly. There was another Party open to the suspicion of British Indians as regard Federation and that was the Secretary of State, some British Indians had an idea that he would use the Indian States in wrecking Federation and thereby deny responsibility in the Centre, and it was in that connection that I used the words which, as I have said, when taken out of their context, have been very much misread.

15,169. Although you feel that English politics here changed so rapidly, as there has been a change, between the time when the Conference first met and when you thought that several of us came into it because we felt that the British Raj was disappearing. There is only one question that arises from your reply to Chaudri Sahib Zafrulla Khan. You said that the Montagu-Chelmsford Assembly was a very good Assembly and that the Legislature which is functioning now is a very good Legislature. Have I understood you correctly?—I said that in many respects it had borne out the hopes which its creators attached to it, or words to that effect.

15,170. Would you give an Assembly of that kind responsibility in the limited field?—No, I would not introduce the element of dyarchy at the Centre now with any Assembly, however constituted.

Sir Manubhai N. Mehta.

15,171. Mr. Churchill, in your Memorandum you do not, I am sorry to say, throw any light on the Princes' problems. You regret, on the other hand, that the Princes should have made up their minds to come into the Federation?—I do at this stage.

15,172. May I ask you in whose interests you deplore their readiness to help their country? I will put three questions: Do you consider that the

Princes have walked into the parlour light-heartedly like the fly, or do you consider from the standpoint of certain British Indian democrats that the Princes' advent into the Federation has spoilt their idea because it has diluted their democracy; or, thirdly, do you deplore this attitude of the Princes from the standpoint of certain Englishmen who think that if the Princes had not come in responsible Government would have been denied to India, but since they have come in they have supplied the moderating influence and therefore there is no excuse to deny them that responsible Government? I should like to ask you from which of these three standpoints do you deplore it?—Naturally, I look at it, first of all, from the point of view of the Imperial Government—the British Government. I think that the British Government in India will be greatly weakened and that serious difficulties will arise if at the time that you are setting up these Provincial Home Rule Governments the power at the Centre is confused and divided by dyarchy, and, consequently, I am not in favour of the institution of responsible Government at the Centre now at the present time. That is not an extreme opinion because that was the opinion on which the Statutory Commission rested, and it was, I believe, also the opinion embodied in the despatch of the late Viceroy, or something very like it. That is my first reason; therefore, naturally, I do not welcome the arrival of the Princes to render possible or to bring within the sphere of action a course which I think will be detrimental.

15,173. May I remind you that this opinion is fundamentally opposed to the opinion of the Government of India themselves; they want the Princes. You said that the Government of India are exercising an undue pressure, or a subtle pressure, over the Princes to bring them into the Federation?—I did not say in this room undue or subtle pressure.

15,174. You said you had heard of it?—Pressure.

15,175. So the view you put forward as the Government of India's view is not really the view of the Government of India at present?—Of course, I cannot measure the relations between His Majesty's Government at home and the Government of India which they are so largely responsible for forming which is connected with Great Britain through the

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Secretary of State. I cannot do that, but I do not feel bound by the view of the Government of India. I take a different view. I think it is the duty of Parliament to survey the whole field. If we were simply to take the opinion of the Government of India I suppose we should have followed the despatch of the late Viceroy before the Round Table Conference assembled.

15,176. Then from the Princes own standpoint I thought you sympathised with them that they were being brought into the snare without proper consideration, that is, they had no time to think maturely of what the implications of Federation would be. May I in this connection ask you whether you know that before the Montagu-Chelmsford Inquiry, the desire of the Princes for Federation was before the Government of India and that in the Montagu-Chelmsford Report that fact has been referred to on several occasions?—I consider that time is the element that must be brought in in all these matters. If the great experiment of Provincial Home Rule were successful and these Provinces were powerful living entities with strong local pride and tradition growing up, and a system of government focussed around their capitals, then, it seems to me, you would have a similarity and parity among the units which afterwards if they wished would join together in a Federal system, but, at this moment, when we cannot tell at all how the Provincial Home Rule will turn out, and when the Government at the Centre should be very strong in order to guide the Provinces in their early days, it seems to me altogether premature from the Princes' point of view for them to associate themselves with the kind of Assembly that is going to be brought into being and in the face of agitation which is bound to follow, in the face of the very severe Constitutional agitation which is bound to follow the polity of the White Paper scheme at the Centre. I think it is premature for them to involve themselves in that. I think they may very easily find themselves exposed to subversive movements in their own States, and in the Assembly find themselves criticised for not giving a greater measure of contentment to their people. Whereas if in a few years' time and 10 years' time is very little in the life of great peoples, these things may settle down. One will know where one is. One will be dealing with reali-

ties and not with abstractions, and then it would be quite proper to follow on the lines of all that His Excellency, the Prime Minister, has said.

15,177. I am coming to that point of strong Provincial Home Rule Governments and all that, but, before that, I would like to remind you of the recommendations of the Montagu-Chelmsford Report. They appear on pages 192 and 78, but I will not detain you on those recommendations. May I ask you if you have studied or paid any consideration to the problems of the Princes that have induced them to come into Federation?—I have indeed given as much consideration to it as I am capable of.

15,178. Firstly, may I ask you if the Princes under the present Government have any chance of consultation or deliberation when large questions of policy are being discussed, questions, for instance, of discriminate protection that was adopted in 1921, or agreements as to Imperial Preference. On such questions of large policy have the Princes at present any occasion or any device by which they are consulted or can be consulted?—But surely it is the duty of the Government of India to keep in touch under present conditions with the Princes of India and their States and to make sure that their point of view is understood and the Chamber of Princes enables that point of view to be focussed.

15,179. But in the Joint deliberations they have no means to make themselves heard?—It is perfectly true that they have not an Assembly where the matter can be argued out as it can in the House of Commons or the House of Lords, but there are many most effective methods of bringing views to the notice of Government besides that of raising them in a debating assembly.

15,180. That was the very reason why the Montagu-Chelmsford Report suggests that on such questions of joint concern the Princes ought to be brought into something like Federation. Secondly, may I ask you if you are aware of the Princes' feeling, and whether you approve of that or not that in any concern a party should not be a judge and party in its own cause. Do you approve of that? In disputes with government the Princes at present feel that they have no independent tribunal. The Federal structure will give them the Federal Tribunal, and you say that they have prematurely come into Federation. If you deny Federation, will they be satisfied that they will

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have any judicial relief?—I think that they will lose more than they will gain.

15,181. That is their concern, but that is your advice to them?—That is my advice.

15,182. Thirdly, have you thought of their financial problems. You know that a States' Enquiry Committee was appointed in 1928, presided over by Sir Harcourt Butler?—Yes.

15,183. And perhaps you know, the Committee came to the conclusion that in many matters the States had suffered and that equity and justice demanded that substantial financial relief ought to be given to them and that another Committee should be appointed to go into these details. Are you aware that another Committee presided over by Mr Davidson was appointed to look into these financial claims?—Yes; he went out

15,184. Are you aware that the Davidson Committee also reported that many States had not been very fairly treated, and large financial sums were due to them and they would be paid to them only if they entered the Federation. You now stop the Federation. What becomes of their financial claims?—As I say I regret very much that a Committee should have reported that large sums would be paid to the States if they came into the Federation and not paid to them if they did not. If that is so, I deplore it.

Sir Samuel Hoare.] If I may intervene for a moment I think Sir Manubhai, no doubt in the desire to put his question very shortly, has not correctly represented what was the recommendation of the Davidson Committee?

Sir Manubhai N. Mehta.] Not exactly.

Sir Samuel Hoare.] Not only not exactly, but not at all, I would have said. Mr. Davidson is here. I withdraw and leave it to him.

Mr. Davidson.] I think if Sir Manubhai reads the Terms of Reference of the Committee, which was appointed, the basis of our whole enquiry was an assumption that the recommendations of the Round Table Conference, that there should be a Federal Government, would be achieved; and the whole of our recommendations were based on the assumption that a Federation was the policy for the future Government, and, therefore, our Committee was bound by our terms of reference, and that was the basis on which they were made.

Sir Manubhai N. Mehta.] That is really what I meant, that if the Federa-

tion disappeared, then nothing will happen to these financial claims.

Sir Austen Chamberlain.] No; that does not follow at all.

Sir Samuel Hoare.] Sir Manubhai, I think if you read both the Report and the Recommendations of the Committee, you will find there was nothing even remotely suggested in the way of a bargain.

Sir Manubhai N. Mehta.] Not a bargain. I merely said that these different kinds of relief would be given to the Princes when they come into Federation.

Sir Samuel Hoare.] What actually was said in a single sentence was that supposing there was a Federation these kinds of payments were certainly a non-Federal kind of payment.

Mr. Davidson.

15,185. The crucial sentence is: "An ideal system of Federal finance would be one under which all Federal units would contribute on a uniform basis to the Federal Services." Then it sets out the task of the Committee which was to try and arrive at some basis on which the States would as nearly as possible conform to that ideal of contributing on a uniform basis?—Answering the point which has been raised, I said a little while ago, when I was asked whether I thought subtle pressure had been brought to bear upon the Princes, that in this room I had not used the word "subtle."

Sir Manubhai N. Mehta.

15,186. Outside; that is, propaganda?—But I think if what I have just heard had been before me I should have felt perfectly justified in using that word because it is perfectly clear that there has been in the minds of the Princes or some of the States the fact that they will receive financial benefits from the Government of India, I will not say as a bargain (No, there never are bargains!) but as a consequence of their accession.

Sir Akbar Hydari.

15,187. As far as I can understand, is not this so, that even without Federation, the Butler Committee reported upon all these very matters, and they would all have been adjusted?—They ought to have been.

15,188. By the British Government; all these claims would have been adjusted by the British Government practically on the same lines, but that when there was Federation in sight, the British Government did not feel themselves justified in coming to any conclusion or figur-

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ing out all those matters in such a way as the other parties to the Federation might not agree to, but there was absolutely no idea that without Federation the Indian States would not get the same amount of relief under those very questions which had been raised by them before the Butler Committee?—Exactly. I had not appreciated fully this very important point that has been put to me. I should like to consider it much more carefully. I think it is certainly a matter which should be opened up and ventilated in Parliament. It is a new point to me altogether. I had not followed it. I ought to have done so.

Sir Manubhai Mehta.

15,189. If Federation is not brought about, where is the money to pay the financial claims of the States?—I understand that the new system of government which the White Paper embodies is to cost a good deal more than the old one, so as there is only a limited amount of money to be divided for all purposes in India, there will obviously be less means of gratifying the requirements of the States after the Federal system has been erected (unless more taxes are put on of course) than there is at present.

15,190 If the Federal system comes into being, the Princes are willing to forgo their claims for sea customs, but if you are not bringing in Federation, the Princes will naturally revive their claims to sea customs. Where is the money to come from?—I think the Princes should take their decision upon very broad and long views of what the whole future interests of their sovereignties in India are going to be, and I think it would be a great pity if they allowed themselves to be influenced by the fact that a more favourable financial arrangement in the next few years might be reached as a consequence of their acceding to the pressure of His Majesty's Government to enter the Federation.

15,191. As to pressure, did you come across a letter signed by Sir Akbar Hydari and the Ministers of several other large States like Mysore, Baroda and Patiala, and by myself, which categorically denied that there was any pressure?—It is not a point which is really capable of denial. Pressure is not necessarily illegitimate pressure. If I use an argument which has any effect upon you, that is legitimate pressure; and there is no doubt that when the

Government of India and His Majesty's Government over here, the Viceroy and all the high officials of the State are known to be anxious that the Princes shall come in, the very loyalty of the Princes, their desire to fulfil what may be the general inclinations of the Imperial Government, constitutes a form of pressure, not improper pressure, although, as I think on this occasion, unwisely applied; but certainly one of the difficulties we have had to contend with in getting a fair consideration for the point of view which I represent upon the Indian question here, has been the immense, pervasive power of the Government, official and unofficial, through every channel and by every means; and you have yourself touched upon one I had not noticed myself before, in order to procure the co-operation of the Princes in the scheme; and then you tell us the next day, "But the Princes have come in, that changes it all, and the Princes stipulated when they came in that there must be responsible government at the Centre, so we have to have responsible government at the Centre," and the whole of this movement, as I say, is largely induced by the great and lawful and legitimate influence of the Crown on the loyalty of the Princes. I deplore it very much.

Sir Samuel Hoare.] Would the representatives of the Princes here substantiate what Mr. Churchill has just said, namely, that the action of the Princes was due to pressure, direct or indirect, from here.

Sir Manubhai N. Mehta.

15,192. We deny it absolutely, categorically, as quoted by Sir Akbar Hydari from Sir John Simon's report. His Highness the Marajah of Bikaner several months before the Round Table Conference, anticipated that there would be the only solution which was the Federal solution, and he advised his friends that Federation must be accepted. That was the only destiny for the Princes, and Federation had no fear or threat for them. Notwithstanding that, I cannot understand why it is repeatedly said that pressure is being exercised upon Princes by the Government?—I do not wish to press this point here, because it would I think lead me into friction and controversy beyond those limits which are appropriate in this Committee, and, therefore, I will, if I

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may be excused by you, my Lord Chairman, not develop any further evidence upon this point. [I will reserve what I have to say for the House of Commons, in which this whole position must be examined, and in which I am prepared to substantiate what I have suggested, that pressure has been applied.]

Mr. Y. Thombare.] May I join Sir Manubhai in his repudiation of pressure? As a matter of fact, the proposals of the Davidson Committee came at a very late stage, and the desire of the Princes to join the Federation had been expressed much earlier and that itself is a proof.

Sir Akbar Hydari.] May I also state that so far from there being any pressure from the political department of the Government of India on the different States, in favour of Federation, I believe British India at any rate was afraid that the pressure would be exerted the other way, in tearing up Federation, and that was what I was referring to in my speech. I think that the Government of India in this matter have really—let me assure you, Mr. Churchill—behaved with absolute impartiality in their Political Department as trustees of the Indian Department, as they have always been, and as advisers when advice was sought.

Sir Manubhai N. Mehta.

15,193. I have two questions to ask you, Mr. Churchill. You thought that the Princes would do wisely if they came into a Federation when Provincial autonomy or Provincial Home Rule had worked satisfactorily and the Provinces had become strong?—Yes.

15,194. Are you aware that between the Princes and the Provinces there are many financial claims that are in conflict and the more the Provinces increase in strength the less chance there is for the Princes to get justice?—I am afraid that argument would not lead me to alter any of the answers I have given.

Sir Manubhai N. Mehta.] Are you aware that there is no Political Department to protect the Princes in the Provinces?

Marquess of Reading.

15,195. Is that right?—I still think the Princes' interest will be better safeguarded in the infancy of Provincial institutions by their contact with the Viceroy and the Government of India.

Marquess of Reading.] Surely you are not justified in making the statement, Sir Manubhai, are you, that there is no Political Department for the Princes in the Provinces?

Sir Manubhai N. Mehta.] I was referring to Mr. Davidson's Report. Mr. Davidson has said on many past occasions that whenever there was a clash the interests of the Princes were not sufficiently paid attention to.

Marquess of Reading.] That is a very different thing from what you said just now.

Sir Manubhai N. Mehta.] I can give many instances in which the interests of the Princes have suffered whenever they clashed with the interests of the Provinces.

Marquess of Reading.] That was not the point upon which I intervened at all. My interposition was merely because Sir Manubhai's question was in the form of a statement to which I object, because there is a Political Department and the Governor-General is responsible, and, of course, the Governors, and various officials are responsible to the Governor for the protection of the Princes; that is the constitutional position.

Sir Manubhai N. Mehta.] The Princes would not be in the Federation; there would be no Central Government, and yet the Provinces will become autonomous. Will they not become more and more powerful and will not the Princes' interests suffer more and more by being relegated to the Provinces?

Chairman.] Are you putting that question to the Witness, Sir Manubhai?

Sir Manubhai N. Mehta.

15,196. I am asking that question?—I still think that the Princes should rely in this interim stage upon the representations which they make to the Government of India and to the Viceroy.

15,197. Notwithstanding their past experience that they have suffered?—I am not sufficiently versed in the details to be able to admit at all that they have suffered injustice at the hands of the Imperial Government, but certainly I feel that they should continue to press their views upon the Imperial Government and have trust and confidence in that Government, much more than put their trust and confidence in untried institutions arising out of democratic electioneering which in many cases has proved fatal to the old traditions of States and countries.

15,198. Notwithstanding the fact that they themselves would be parties in that Government?—I think they would find themselves in a very dangerous position.

Mr. Y. Thombare.

15,199. Under the present Constitution important matters regarding All India

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[Continued.]

are dealt with by the Legislative Council?  
—Yes.

15,200. And no machinery has so far been found practicable to consult the States before final decisions are taken. It is this which has led to the result that the interests of the States are ignored and sacrificed. Now if the Federal proposals are not adopted your advice to the States would certainly not be one of stoical fortitude in such matters?—No; I did not apply it to the question of whether they had had due regard paid to their interests at all. I applied it to the question of whether the Princes would be greatly grieved if the Federal system was not set up now.

15,201. But there is this possibility, that if the Federal proposals are not accepted their rights would stand in danger of being ignored and even sacrificed?—Yes.

15,202. In that case you would not suggest that they should have no remedy?—I think it is a matter which should be considered, certainly. If the Federal proposals are not adopted it is quite possible that some method should be considered of enabling the Princes of the Native States of India to have a more continuous and direct access to the Government of India. But I am not prepared to formulate any proposal of that kind. Certainly if there were a feeling that that was omitted and the Imperial Government thought it right not to have the Federal system, then I think that that disappointment would have to be considered as part of the results of not going forward with Federation at this stage.

15,203. So that when you said that the present system should continue it would be subject to this?—I said the present system should continue subject to minor improvements, and I hope that the minor improvements would be from the point of view of the general Constitution of India.

15,204. But it would not be a minor improvement from the point of view of the States and their interests?—No.

Sir John Wardlaw-Mulne.

15,205. I have a very short time, my Lord Chairman, to put any questions, but I will try to make them as short as possible in view of the very many which Mr. Churchill has already answered. I want first of all to ask him about paragraph 8 of his Memorandum, where he refers to the Government of India being

mainly an administrative problem, and in the same paragraph he refers to various matters such as peace and justice which are the foundation of Indian life, and says these should never be endangered for the sake of gratifying the Indian intelligentsia. I want to ask him first of all whether he has any reason to suggest that this deterioration of which he spoke is due to the action of Indian Ministers or has come about especially in the transferred services?—I dealt with all that matter yesterday, and I have really nothing to add to it.

15,206. You dealt with it in general words. I will, if I may, refer you to your own words: "I think it would be going too far to say that it had been a complete failure; but, on the other hand, there has been a sensible deterioration in many of the Services. I remember being particularly struck when a very high authority some years ago was speaking to me of the deterioration in the agricultural sphere; there had been a great deterioration." I am quite aware that you are not prepared to go into the details of that deterioration, but I would ask you whether it is not a fact that all the official documents published in regard to the conditions of India in recent years do not go to support your argument that there has been deterioration. Are you aware that that is so?—I have seen a number of reports of that kind, but I have not felt able at this short notice to present a detailed statement. I have seen a number of reports and have been told from many quarters that there has been a deterioration. It is not a point I wish to stress in any manner which would be painful to our Indian friends who are here.

15,207. Would you allow me to ask you whether you have by any chance seen any extracts from a document which most of us go to for information regarding India; that is "The Moral and Material Progress of India", published, as you know, every year?—Yes.

15,208. In the first place, I am dealing with the point you specially mentioned—agriculture, which deals particularly with the growth of the Indian people in agriculture, which deals with the extension of the savings bank deposits, the extension of co-operative societies, the increase in land revenue, the value of land, and so on. For the sake of brevity, I am not going to read you extracts from it. The point I wanted



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[Continued.]

to ask you was: Are you aware that all these statements in these official documents go to show that as a fact the transfer of responsibility in certain Transferred Services at any rate, and particularly in agriculture, has not been such as to support your view that there has been deterioration? I only want to know whether you are aware that the official documents while pointing out defects and difficulties, do not support, speaking generally, the view that there has been material deterioration?—As far as my recollection serves me, that is not correct. I have seen various reports which have shown deterioration, and also in the financial control and in the financial position of public bodies and so on, but I am speaking without having any opportunity of producing those reports.

Sir Austen Chamberlain.

15,209. When you speak of this deterioration, is what you have in your mind the conditions of certain municipalities or is it the condition of the services which were transferred under the Montagu-Chelmsford Reforms?—I gave my evidence on this point yesterday. I have already said that I am not anxious to add to it at this time, unless the Committee wish me to present a separate statement to them on a later occasion; but with regard to what Sir John Wardlaw-Milne has said I am answering specifically the question in which he said: Am I aware that all the official documents declare that there has been no deterioration? I am not aware of it.

Sir John Wardlaw-Milne.] I did not go so far as to say all the documents. I said the documents which we commonly refer to.

Sir Austen Chamberlain.

15,210. In your answer to Sir John you referred to local bodies?—On the spur of the moment. He asked me whether I had seen any documents of that kind. I have in my recollection a report that was published a short time ago. No doubt you are right; it refers to local bodies.

Sir John Wardlaw-Milne.

15,211. What you have in mind does not really refer to the transferred powers?—The one I happened to have had in mind at that moment. That is why I think I was quite right in asking the Committee, if they wished me to give further evidence upon this question of deterioration, to allow me a further opportunity of doing so. I am not seek-

ing to do so. I prefer to let it rest where it is, but if I am desired to give further evidence I shall be prepared to give an additional statement.

Marquess of Salisbury.] Perhaps I might call the witness's attention to the fact that in Sir Michael O'Dwyer's evidence there was abundant evidence of deterioration which has taken place and which he anticipated would take place.

Sir John Wardlaw-Milne.

15,212. I do not want to give a wrong impression, either to the Committee or to Mr. Churchill. My question was perfectly simple. Mr. Churchill has said quite rightly that the Committee must judge as to the extent of this deterioration. He was really giving his opinion founded no doubt upon what he had heard from people of experience. I was merely asking whether he was aware that "The Moral and Material Progress of India" and other documents do not bear out this suggestion of the deterioration?—No, I am not aware of it. My impression is opposite to that which Sir John is asking me to express.

15,213. In that connection, I would also ask him whether he is aware of the statement in the Statutory Commission Report, Volume I, page 19, which deals with another aspect of the same point. It says: "No fair-minded observer visiting the Indian countryside to-day can fail to be struck alike by the magnitude of the work to be done and by the zeal and exertion with which those, whether officials or Ministers, who have the work in hand, are tackling their stupendous task." I quote that particularly because it is from the Statutory Commission's Report. That does not seem to bear out that they found very serious deterioration. Is Mr. Churchill aware of that fact?—I have already said I do not desire to add to the evidence I have given on that point.

15,214. On that same paragraph, when you suggested, quite correctly if I may say so, that the problem is an administrative one, I take it you are afraid, as is rather borne out by the rest of your Memorandum, that the proposed Federal System may result in some deterioration in the Services which carry out that administration. I think that follows from what you have said. I wanted to ask you in that connection: Are you bearing in mind the immense change in the number of Indians who are now enrolled in the Indian Civil Service as compared with a few years ago?



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[Continued.]

Are you aware, for example, that whereas a few years ago the number of Indians in the Civil Service was under one-fifth, it is now about 40 per cent?—You are talking of the higher ranges.

15,215. I am talking of the Indian Civil Service itself. Therefore, the administration is already largely in the hands of Indians?—I am aware that that change has been taking place, I think, too rapidly, and has already reached limits which require careful consideration.

15,216. Are you in favour of permitting that great advance at the rate laid down by the Lee Commission?—It would almost follow from what I have said.

15,217. Regarding your proposed system of inspectors, you said, in answer to a previous question, I think, that was put to you yesterday, that you would like to apply this system as widely as possible. I will not read all your reply, but that was the gist of it. I took it (I do not know whether the rest of the Committee took it in the same way) that you wanted it applied to the transferred Services as well as to those presently reserved?—What I should like to see would be the Central Government able to give additional support to the Provincial Revenues in regard to particular Services, and, in return, for that additional support that it would give, being put in a position to keep in touch with the developments in the Provinces, and to keep the different Provinces fairly abreast of one another. That is what I had in mind.

15,218. In all the main Services of the Government, whether they would be transferred or not?—Certainly; agriculture, for instance.

15,219. I am not at the moment going into the question of grants, or the money question, or that part of it, but I am very anxious to know how that system of inspectors would work. You agree that they would have to be more or less expert inspectors in their various departments, irrigation, and so on?—Yes.

15,220. I want to get this from you. Where would these inspectors get their information from? Clearly half a dozen inspectors could not visit all these schools and various works; they must get the information from somebody. Where would they gather the information from to enable them to make their Report to the Government?—From the officials in the cities, from the officials of the Provincial Governments concerned with the different departments, and only

in exceptional cases, if they thought there was something seriously wrong, would they find it necessary to go and examine some particular school or particular forest region, or particular agricultural college.

15,221. So that their information would come from the officials working under the Provincial Government mostly?—In the first instance.

15,222. And on that information, they would make a report direct to the Government of India?—Yes.

15,223. On that Report the Central Government would act. In effect these inspectors would be almost in the position of spies, would they not?—I think that is a most unreasonable term to use and unhelpful in every way. Take the Army in India with all its different great commands, held by general officers of the highest distinction. They are all subject to inspection from the Centre, but when the inspectors come along to the different branches to inspect not only the discipline of the troops, but the efficiency of special arms, artillery, and so forth, they are not regarded as spies.

15,224. Is there any comparison between the two cases at all? In the case of the Army these inspectors are from people in charge of the Army. In this case, they are inspectors from a higher authority over the heads of the people responsible for carrying out the work. The Ministers of the Provinces are the people responsible?—When the Inspectors of the Board of Education in this country visit a Catholic or a Jewish or a Wesleyan School, and have it in their power to make recommendations which affect the carrying on of that school they are not regarded as spies. They are regarded as collaborators in the achievement of a common purpose, namely, the education of the children.

Lord Irwin.

15,225. We do have a statutory responsibility?—Certainly, and I suggest this also would be a matter settled in the Constitution which is now being planned.

Sir John Wardlaw-Milne.

15,226. The reason I used the word "spies" is because there is no statutory responsibility, the statutory responsibility is with the Minister. I am putting it to you: Is not your suggestion, in fact, to have a system of inspectors over the head of the Provincial Government?—No, because it would be open to the Provincial Government to say, "We do

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[Continued.]

not wish to have this inspection, and we do not wish to have the grant."

15,227. It is only in the cases in which they would be getting the grant?—Yes.

15,228. Therefore they could refuse it and raise the money in some other way?—Yes.

15,229. It would make administration rather difficult?—You are not asking me a question on that, are you?

15,230. No, I am not asking you a question?—Thank you.

15,231. I want to ask you one question only regarding the Police. I understand from your evidence that you are opposed, as far as possible, to any system of dyarchy in the Provinces with the exception of the Police being reserved, but I want to ask you whether you are aware of the fact that the Statutory Commission has definitely laid down that the reservation of the Police in the Provinces is in fact undesirable?—The Statutory Commission recommended the transference of the Police, I am aware of that, and if the Police are not transferred to that extent there are the dual powers existing side by side certainly, but, although I do not like dyarchy in any form, yet so great is my desire to see Provincial Home Rule set up and become a success in the Provinces that I would face it to that extent in this case.

15,232. My only question was whether you were aware of this sentence in Volume II of the Statutory Commission Report, page 46: "If Police continues to be a reserved subject this necessarily means that dyarchy continues"?—Yes; I have read that Report.

15,233. You have?—Yes; and I have also read the paragraphs in it which suggest that the Governor should have a Deputy to whom he might transfer that.

Major Attlee.

15,234. On that point I find a great difficulty in recognising the Simon Report through the mouth of the Right Honourable Gentleman. What the Commission actually suggested was that in certain Provinces on certain occasions, a person, not necessarily an official and not necessarily a European, might be appointed to hold the portfolio, who was not an elected Member. That was rather different?—I think I used the very expression that the germ of the idea was to be found in certain paragraphs of the Simon Report.

15,235. But you have rather incubated the germ?—I have taken care of the seed

and fostered it and brought it into flower.

Sir John Wardlaw-Milne.

15,236. You are aware, Mr. Churchill, that, apart from the All-India Police Service, the rest of the Police Service is recruited by the Provinces, and all of it is paid for by the Provinces?—Yes, but, in fact, the same conditions exist with regard to the Army; certainly they do. The Armies are all recruited in the different Provinces, and, although the Province does not pay the Army, the revenues of India on which the Provinces equally with India depend are the source from which the military expenditure is defrayed. It is purely a matter of the channel through which the money passes.

15,237. You are aware, of course, that for many years past, there has been continual criticism of the Police in India, whether because it is a reserved subject or not does not matter, but you are aware that there has been continual criticism of the control of the Police and the administration of the Police?—Yes; I think it on the whole an unjust criticism.

Marquess of Lothian.

15,238. May I ask merely one question in elucidation of a sentence which does not seem to me to be quite clear? It is not argument at all. It is merely for the purpose of elucidation. In paragraph 10, Mr. Churchill, your third proposal is as follows: "That the Governor of any Province appointed by the King on the advice of British Ministers should have one or more deputies similarly appointed, associated with him, to whom he may, when and where expedient, entrust the control of the Judiciary and also of the Police, unless it is found possible to organise the Police as an Imperial Service." What is the meaning of the words "when and where expedient"? Do you mean that from the start, and under all circumstances, these deputies should be in charge of the Police Department, or do you mean that the Governor, if he finds that law and order is not being properly managed by a Minister, should then declare that he is going to appoint a Deputy in place of the Minister?—I think the words "when and where expedient" are difficult to beat from the point of view of conveying the meaning I intended to

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convey. The only addition that I would make to them is that I do not consider that the Governor's judgment upon whether it was or was not expedient in any place or at any time should depend upon, first of all, there having been a serious breakdown or disaster.

15,239. In other words, you do accept in effect the Simon Commission's recommendation that, in the first instance, the responsibility for Law and Order should be transferred?—No; on the contrary that is the exact reverse of what I endeavoured to convey. I am sorry not to be able to make it more plain.

Archbishop of *Canterbury*.] My Lord Chairman, I venture, with some diffidence, to make a suggestion to my colleagues. It is plain that if we adjourn now, all those who, including myself, have still the right to question, will ask Mr. Winston Churchill to return. We have all listened with the greatest admiration to his good humour, and have appreciated his patience, but I wonder whether there is very much more that we can learn with a view of elucidating such particular proposals as he has made. His general attitude, I should have thought, has been most abundantly and fully made plain. Moreover, our Indian colleagues have had their opportunity of asking Mr. Churchill questions, which we should have wished them to do; otherwise, speaking for myself, I have a great desire to get on to our discussions with our Indian Delegates so long as they are here, and unless my colleagues here who, like myself, have not yet had an opportunity of asking questions, feel that there is any point that really requires elucidating on Mr. Churchill's particular proposals, which, apart from argument, are not many, I would ask whether they would not join with me in a self denying ordinance in agreeing that it is not necessary that we should press our questions. I have a great many questions that I should have liked to have the privilege of addressing to Mr. Churchill, but I should be quite willing to forgo them if it would spare his return and enable us to get on with our discussions. I am always afraid in these

matters that we may tend to get into the position of arguing with the witness through questions rather than elucidating facts or vital things. Therefore, with the leave of my Lord Chairman, I am only asking whether it is really necessary for us who remain to press our right of asking further questions.

Marquess of *Salisbury*.] My Lord Chairman, I should like to respond at once to what His Grace has said. For my part, I should be quite willing to resign the opportunity of asking my right honourable friend any questions in reference to his evidence. The Archbishop has said, with truth, that there is always a tendency to argue with a witness, a tendency which seems to have prevailed a good deal, and also sometimes to take the opportunity of asking a question of a witness for asserting one's own opinions which, though very interesting, may easily be carried rather too far. In any case, however that may be, so far as I am concerned, and I believe I speak for others, we will gladly respond to His Grace's invitation not to ask any questions.

Marquess of *Reading*.] I will support His Grace. Although there are questions that I would have liked to put to Mr. Churchill, there would not be many on the elucidation of his memorandum, and I would forgo that, being confident that we have in substance what Mr. Churchill has to say. He has submitted with great patience and great courtesy to every question that has been put to him. I would fall in with that view most readily if others would agree to it.

*Chairman*.] We are greatly obliged to you, Mr. Churchill, for having given us your evidence. Thank you very much.

*Witness*.] I should like to express my thanks to the Committee for the courtesy with which they have treated me, and particularly to the Indian Delegates, to whom I feel under great obligations for the care with which they have put so many matters before me, and to assure them that, though I have been giving evidence, I have also been trying to learn.

Ordered, That the Committee be adjourned to to-morrow at half past Ten o'clock.

DIE VENERIS, 3<sup>o</sup> NOVEMBRIS, 1933.

## Present:

Marquess of Salisbury.  
 Marquess of Zetland.  
 Marquess of Linlithgow.  
 Marquess of Reading.  
 Earl of Derby.  
 Earl of Lytton.  
 Earl Peel.  
 Lord Middleton.  
 Lord Ker (Marquess of Lothian).  
 Lord Hardinge of Penshurst.  
 Lord Irwin.  
 Lord Snell.  
 Lord Rankeillour.  
 Lord Hutchison of Montrose.  
 Major Attlee.

Mr. Butler.  
 Major Cadogan.  
 Sir Austen Chamberlain.  
 Mr. Cocks.  
 Sir Reginald Craddock.  
 Mr. Davidson.  
 Mr. Isaac Foot.  
 Sir Samuel Hoare.  
 Mr. Morgan Jones.  
 Sir Joseph Nall.  
 Lord Eustace Percy.  
 Miss Pickford.  
 Sir John Wardlaw-Milne.  
 Earl Winterton.

The following Indian Delegates were also present:—

## INDIAN STATES REPRESENTATIVES.

Sir Akbar Hydari.  
 Sir Manubhai N. Mehta.

Mr. Y. Thombare.

## BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.  
 Sir Hubert Carr.  
 Mr. A. H. Ghuznavi.  
 Lt.-Col. Sir H. Gidney.  
 Sir Hari Singh Gour.  
 Mr. M. R. Jayaker.

Mr. N. M. Joshi.  
 Sir Abdur Rahim.  
 Sir Phiroze Sethna.  
 Dr. Shafa' At Ahmad Khan.  
 Sardar Buta Singh.  
 Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

Mr. J. HAROLD RODIER, Mr. T. D. BARLOW, Mr. W. H. CATTERALL, Mr. JOHN GREY and Mr. ARTHUR R. KNOWLES (on behalf of the Manchester Chamber of Commerce) are called in and examined as follows:—

*Chairman.*

15,240. Messrs. Rodier, Barlow, Catterall, Grey and Knowles, you are here on behalf of the Manchester Chamber of Commerce?—(Mr. Rodier.) Yes.

15,241. Mr. Rodier, you are the Chairman of the India Section and a Director of the Chamber; Mr. Barlow is a Director and ex-President of the Chamber; Mr. Catterall is President of the Federation of Master Cotton Spin-

ners' Associations, Limited; Mr. Grey is the Chairman of the Cotton Spinners' and Manufacturers' Association; and Mr. Knowles is Secretary of the India Section of the Manchester Chamber of Commerce?—Yes.

15,242. You have been good enough to prepare a Memorandum of Evidence which you wish to give; it is numbered 88, and you hand that in at this stage?—Yes. It is as follows:—

MEMORANDUM 88 BY THE MANCHESTER CHAMBER OF COMMERCE  
 WITH THE APPROVAL AND SUPPORT OF THE COTTON SPINNERS'  
 AND MANUFACTURERS' ASSOCIATION AND THE FEDERATION OF  
 MASTER COTTON SPINNERS' ASSOCIATIONS, LTD.

## PREFACE.

1. The Evidence which is herewith submitted to the Joint Select Committee was prepared some months ago. Subsequent developments, which may have

significant bearing on the future of trade relations between India and Lancashire, have encouraged the organisations to add this prefatory and supplementary statement.

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[Continued.]

2. In July last the Chairman of the Bombay Millowners' Association, Mr. H. P. Mody, had a series of conferences with representatives of the Lancashire cotton industry, and in August a Delegation comprising representatives of the British cotton and artificial silk industries left for India, where they have since been participating in discussions with the Indian Government and the Indian Millowners.

3. The Lancashire organisations are gratified to learn that discussions have been proceeding in an atmosphere of cordiality and good will. They accept this as significant that Lancashire's own desire to bring about a mutually satisfactory understanding is shared in that country. The Lancashire organisations give their complete moral support to these efforts at exploring the field of co-operation. They do not hesitate to express an emphatic preference, before all other methods, for the practical solution of trade problems by genuine demonstration of reciprocal good will.

4. In regard to the negotiations now drawing to a close in India it will be appreciated that the organisations have not had the opportunity to receive and study a full report of results. They do not know to what extent agreement or conditional arrangements have matured or may be possible. They find themselves under this handicap in relation to their appearance before the Select Committee.

5. It seems to the organisations that their wish for the inclusion of safeguards in the Constitution should, not be regarded other than as a desire for a form of insurance against contingencies which, although possibly unlikely to arise, cannot be overlooked. As stated in their main Evidence, the Lancashire organisations do not question the legitimacy of Indian desire to make considerable and rapid progress towards responsible self-government. Neither do they entertain any doubt but that the foremost principle in Indian government should be to serve the best interests of the Indian people.

6. Having said that, the organisations would add the belief that Indian Statesmen ought of their own free will to agree to safeguards in the Constitution. They hope that their recommendations to the Select Committee will not be taken to imply any lack of confidence or distrust in the present-day leaders of Indian industry and responsible political opinion. They are concerned, however,

lest under the proposed new Constitution developments in the political field might place power in the hands of those who would foster a policy of trade discrimination.

7. The organisations, trusting that there may be no misinterpretation of the views they have expressed, would point out that their proposals aim as much to ensure that the political progress of India shall not be jeopardised by a breach of commercial relations, as to provide that the channels of trade between the United Kingdom and India—of incalculable importance to both countries—shall be preserved for all time, and for the good of all concerned most open in character and most friendly in spirit.

8. Believing that reciprocal interest is the best and most permanent basis of international trade, the organisations have welcomed the opportunity to send a Delegation to India. They trust that the work of this Mission will be the forerunner of a new and fruitful basis for mutual co-operation in which old misunderstandings and differences may be forgotten and that, as the result of the joint discussions, a new era of long term agreements is at hand.

9. The organisations conclude by expressing their warm hopes that the deliberations of the Select Committee will reach a satisfactory and a comprehensive settlement worthy of the great problem which it is the Committee's duty to solve.

## PART I.

### *The Indian Point of View and the British Cotton Trade.*

1. Before submitting opinions and proposals regarding provisions in the Constitution and possible action by the British and Indian Governments, the Chamber feels it is of real importance to inform the Joint Select Committee of the point of view from which it approaches the position of the British Cotton Trade in the Indian market.

2. In the very first place, the Chamber wishes to make clear that nothing in the policy which it supports is in any way inspired by a desire to disregard the legitimate interests in their domestic market of the Indian cotton mills, or of the hand-loom industry. The Chamber recognises to the full that no matter what form of Government there might be in India it would be nothing less than the obvious duty of those responsible for that

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[Continued.]

Government to promote the well-being of the Indian industry in every way, subject only to due consideration of other equally legitimate interests within India which might be affected by any measures under contemplation. It is the object of the Chamber, whilst freely and fully acknowledging the foregoing position as regards the Indian industry, to point out some of the other interests which stand to be affected by proposals designed to promote the prosperity of the Indian mills, and to stress that in so far as these interests may not be quite so well able as the manufacturing interests to exert political influence in India it is desirable that the arrangements as regards the future relations of the British and Indian Governments should be such as to ensure proper consideration of all relevant factors.

3. A large and flourishing cotton industry in India is, under modern conditions and standards, a desirable thing from every Indian point of view. The cotton industry is a very natural channel to which India should turn in seeking to increase the strength of her economic position. It is not only able to use one of the principal crops in India, namely, raw cotton, but it offers valuable employment both directly and indirectly and it manufactures a product which is one of the principal needs of India's vast population. In all these ways it contributes to the well-being of the inhabitants and the wealth of the country as a whole.

4. The Chamber desires to point out, however, that it would hardly be possible, and would certainly not be desirable, to proceed on the assumption that at any time in the reasonably near future the whole of the requirements of India as regards cotton goods could be supplied by a domestic industry. A far-seeing Government of India would have good cause to hesitate from saddling India with too rapid a growth of its cotton industry, bearing in mind that a permanently high level of tariffs would be necessary for its preservation—to the serious detriment of a country like India where so large a proportion of the population is entirely dependent upon agriculture and has a low standard of purchasing power.

5. The Chamber feels that although Indian spokesmen would probably approach all the foregoing matters from a slightly different angle and would therefore use different words, most Indian authorities would in substance acquiesce in this reading of the fundamental position. On that assumption the Chamber

may, it is hoped, proceed on the basis that a certain volume of import trade in Cotton Goods into the Indian market is to be regarded not only as desirable but an economic necessity, even from an Indian point of view.

6. In that connection, several points of major importance arise. In the first place, there is the question of revenue. Indirect taxation is at present and must remain for many years the principal source of revenue for the Government of India. The articles upon which indirect taxation can be successfully collected in amounts adequate to the circumstances are by no means numerous, and the Chamber feels that nobody with any knowledge of the matter would question the statement that revenue will have to be raised on Cotton Goods for many years to come. If the import trade were so diminished as to yield a totally inadequate amount of revenue, and if it was clear that increases in the import duty would only result in further contraction of imports it is at the very least conceivable that an Indian Government in those circumstances would find itself with no choice but to re-impose an excise duty on the products of the Indian cotton industry. That is one important reason from an Indian point of view for safeguarding the import tariff on cotton goods against any danger of its being made a pawn in purely political manoeuvres. But there are also other reasons.

7. India has an interest in the well-being of the British Cotton Industry from the point of view of a supplier of raw cotton. Under the Ottawa Agreement the British Government, in co-operation with the Cotton Trade, is taking active steps to extend the consumption of Indian cotton by the Lancashire industry. Measures injurious to the British Cotton Industry are therefore capable of causing indirect injury to Indian interests.

8. Furthermore, the consumers in India, although they may never be able to realise it, have an interest in imported goods because it is the presence of these goods on the market which constitutes for them an automatic safeguard against the possibility of excessive prices for the products of the domestic mills.

9. Lastly, India must not forget that as the greatest import market in the world, Britain contributes indirectly to the potentialities of Indian export trade.

3<sup>d</sup> Novembris, 1933.]

[Continued.]

and that any reduction of the standards of life in Britain would be followed by losses in trade by many countries upon whose purchases India also has to rely.

10. The Joint Select Committee is concerned with the future good Government of India from the point of view of Indian and British interests equally. The arguments above relate to the former aspect and the Chamber submits that they are adequate to support the view that, in the best interests of India, reasonable measures as regards the future of the British Cotton Trade in the Indian market are deserving of the Joint Select Committee's approval and support.

## PART II.

### *The British Point of View of the Indian Market.*

11. Facts are provided in an Appendix which clearly indicate the importance of the Lancashire Cotton Industry as an element in the economic well-being of Great Britain and, equally, the supreme importance of the Indian market to the British Cotton Industry. It is not too much to say that without the Cotton Textile export trade Great Britain could not hope to balance her external trade accounts so long as she maintained anything approaching her present population or attempted to retain the existing standard of life in the country. It is also true to say that unless a reasonable market for the products of the British cotton industry is permanently secured in India a satisfactory volume of export trade for British cotton goods will be quite impossible since no comparable alternative outlets exist.

12. The United Kingdom is dependent on its export trade for the maintenance of the leading part it plays in international commerce and affairs. That this dependence will continue, or that the necessity for an adequate contribution to national prosperity by the cotton export trade will not disappear, is unlikely to be questioned.

13. It cannot be questioned that the British Parliament is under an obligation to avoid any situation which would imperil the existence of the cotton trade. Despite the depression from which it is suffering, the cotton industry remains by far the most important exporting industry in the Kingdom, and India is still the largest outlet for its products.

14. Of the total population of Great Britain more than one-tenth reside in

Lancashire. Of these, a high percentage are directly employed in the cotton trade, and a still further number—such as those engaged in packing, transport, distribution in its various phases, coal mining and engineering, etc.—are indirectly dependent on the prosperity of the cotton industry. Any further serious diminution, much less a cessation, in exports to India would strike a vital blow at employment with consequences of the gravest character. The well-being of Lancashire is an essential element in the economic structure of Great Britain as a whole and quite apart from the human suffering of those who are dependent upon the cotton industry there can be no question that a further intensification of unemployment in the North-west of England would entail calamitous results for the nation at large.

15. The Chamber profoundly hopes that the course of politics in India may be such that measures of economic warfare against Great Britain will never on any occasion receive the support of any responsible section of the Indian community. But it would be idle to pretend that such a possibility has not to be faced as things now stand. There is a party in India which commands considerable support, which has for its ultimate aim complete separation and independence from the British connection. This party on a past occasion has chosen to employ a boycott of British goods as a lever to bring pressure upon the British Government to concede its political demands. The same party, if in a majority in a future Indian Government, would not be disposed to hesitate for one moment in enacting measures which would have precisely the same object and intention as the boycott. British Industry is therefore entitled to say to the British Government that if independent powers are to be given to an elected Government in India, there must be some condition inserted giving the British Government or its representative the right to prevent measures of that kind being put into operation.

16. In a general way the fundamental principle of the need for safeguards against discrimination is already admitted in the White Paper. For example, paragraphs 122 and 123 provide that the Indian Legislatures shall not be at liberty to make laws involving any disability or discrimination against British subjects or British companies. But it appears open to doubt whether



3<sup>o</sup> Novembris, 1933.]

[Continued.]

paragraph 124 does not in its present form open up a possibility of wilful discrimination against British interests which the preceding paragraphs are designed to prevent. It is unnecessary to say that the Chamber regards the inclusion of provisions against discrimination as essential, and considers that they should be carefully scrutinised to make sure that they adequately cover the fields in which discrimination might arise.

### PART III.

#### *Safeguards in the Constitution:*

17. The grounds on which the Chamber submits that it is necessary to insert in the Constitution some safeguard against the possibility of enactments unduly penalising British export trade have been to some extent explained above. It is probably unnecessary to amplify them by dilating upon the danger to British interests during the early years of the functioning of a political machine in which some of the units have been engaged for some time in anti-British activities designed as levers to secure political concessions. At the moment when many of those concessions are to be granted it is only reasonable to seek for guarantees against the continuance of similar activities. Experience elsewhere has shown that the danger of such a continuance is very real. In the case of Ceylon it could be shown by quotations from debates in the State Council that certain members thereof have determined their attitude to proposals relating to tariffs on British goods primarily on such political motives. If the Joint Select Committee desires the Chamber to support this argument in detail it can be readily done, but the Chamber hopes it will not be necessary to extend the present memorandum in that direction.

18. It is not regarded as within the province of the Chamber to suggest a form of words for inclusion in the Constitution to provide the safeguards which it urges the Joint Select Committee to recommend. This, it feels, is rather a matter for Parliamentary draughtsmen.

19. Bearing in mind that British subjects and companies are protected in the existing proposals against any general disability or discrimination as compared with Indian subjects of His Majesty it may be taken that virtually the only avenue of action hostile to British interests in regard to which provision has not been made is that of tariff policy.

20. It is desirable to recall what is the present position as regards the enactment of tariff measures in India, and what are the reasonable liberties which any Government charged with responsibility for the welfare of India as a whole must obviously be allowed to exercise.

21. The present position is governed by the so-called fiscal convention. The Simon Report embodies what is perhaps the most authoritative explanation of what is meant by this term, and the Chamber does not propose here to repeat what the Simon Report has to say.\* It will be agreed that what actually happens in practice under the existing form of Government is that tariff proposals are formulated by the Finance Member according to his view of the revenue needs of India and the desirability of protection for the Indian industry concerned. The Secretary of State for India is then made aware of the proposals which the Finance Member intends to lay before the Legislative Assembly and is at liberty to bring to the notice of the Government of India any considerations, including those affecting the welfare of British industries, which seem to him to be involved. Representations by the Secretary of State may or may not lead to a modification of the suggested fiscal measures prior to their being laid before the Legislature. Under the fiscal convention, however, the Secretary of State still possesses, and in the final analysis may exercise, a right to advise the Crown to disallow any measure which may be laid before the Legislature by the Government of India and approved by the Legislature, if in his opinion the consequences of its being passed would be so serious as to make that step necessary.

The Simon Commission in their Report say: "We do not suggest any modifications of the Convention itself."† Under the existing Government of India Act the Secretary of State possesses the ultimate power to withhold consent on behalf of the Crown to any legislative measure. The White Paper proposals as the Chamber interprets them, do not envisage that this power should be exercised in the future by the Secretary of State. The Chamber feels that efforts should be made to give statutory force to the Fiscal Convention and to the procedure which has grown up around it.

\* Report of Indian Statutory Commission, Vol. I, Part iii, Ch. 5, Paras. 268/9.

† Report of Indian Statutory Commission, Vol. II, Part xi, Para. 352.

3<sup>o</sup> Novembris, 1933.]

[Continued.]

## PART IV.

*Trade Agreements.*

22. In the mutual interest of India and United Kingdom the question of trade agreements should in the Chamber's opinion be explored to the fullest extent possible. There exists at the present time a universal inclination to enter into bilateral agreements based upon trade and common interest. This policy is, the Chamber believes, one which should be furthered and encouraged by all the countries which constitute the British Empire.

23. The existing Anglo-Indian Ottawa Agreement is hardly adequate, in the light of the above observations, so far as the cotton trade is concerned. The only mention of the cotton trade occurs in Article 11, reading as follows:—

“The Government of India will consider, in the light of the findings of the Tariff Board, the protective duties to be imposed on goods of cotton and artificial silk according as they are made in the United Kingdom or elsewhere, and will invite the Legislature to pass legislation by which, where protective duties are not imposed as a result of the recommendations of the Tariff Board upon United Kingdom goods of the kinds specified in Schedule G, the margins of preference shown in that Schedule will be extended to such goods.”

Attention may be drawn to the clauses in the Anglo-Canadian Agreement dealing with the tariff treatment of British manufactured goods. These read as follow:—

*Article 11.*

“His Majesty's Government in Canada undertake that during the currency of this Agreement the tariff shall be based on the principle that protective duties shall not exceed such a level as will give United Kingdom producers full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production, provided that in the application of such principle special consideration shall be given to the case of industries not fully established.”

*Article 15.*

“His Majesty's Government in Canada undertake that United Kingdom producers shall be entitled to full rights of audience before the Tariff Board when it has under consideration matters arising under Articles 13 and 14 hereof.”

24. The Chamber feels that it would greatly assist in securing a political atmosphere in which a satisfactory Government of India Act could be passed if a fresh Agreement between U.K. and India dealing with the Cotton Trade and on the lines of the Anglo-Canadian clauses, but somewhat more particularised, could be negotiated forthwith. The initiation and negotiation of such an arrangement might contribute to the growth of a spirit of co-operation between the Indian and British cotton industries.

25. The negotiation of such an arrangement would, of course, be the business of the Government in consultation with the trade and would not directly concern the Joint Select Committee. The Chamber feels, however, that the Joint Select Committee is entitled to make its views known to the Government on this particular matter before reaching final decisions on the whole of the reference with which it is engaged. The Chamber earnestly hopes that the Committee may accept that view of its powers and exert its influence to secure the action the Chamber suggests.

26. As to the basis of negotiations, the Chamber contends it is essential to remind the Indian Government and Indian public opinion of the great significance from an Indian point of view of the contributions Britain is capable of making to Indian economy in the development of reciprocal and mutual trade exchanges on the lines which a commercial treaty would envisage.

27. There are two general considerations which the British Government is fully entitled to advance. In the first place, as has been mentioned earlier in this evidence, Great Britain is the most important import market in the world and by her large purchases from many countries which take substantial quantities of Indian exports contributes indirectly to the well-being of Indian export trade. In

3<sup>o</sup> Novembris, 1933.]

[Continued.]

the second place, we are offering, or contemplating the offer of a vast enlargement of India's political rights and powers. A country yielding such powers is at least entitled to press for a continuance of the *status quo* in directions vital to her economic life.

28. As regards the more direct aspects of reciprocal trade, the Chamber would emphasise that the concessions offered to India by Great Britain at the Ottawa Conference are already proving of far greater value than comment at the time suggested, whilst potentially they are of still higher value. Public opinion in Great Britain is entirely favourable to a continuous enlargement of Great Britain's purchases of Indian exports and the experience of the last few years shows that with Governmental support, which would certainly not be lacking, a great deal can be done in this direction.

29. In the special case of Indian Cotton, under the arrangement entered into at Ottawa, steps have already been taken to promote a larger consumption in Lancashire. The measures under contemplation and others which will be devised by the Committee set up for the purpose offer every prospect of securing for India a stable outlet within the Empire for a

much larger volume of her raw cotton. The value of this development to India is self-evident. It contributes to the principle of reciprocity in trade exchanges. It strengthens the resources of the domestic suppliers of the indigenous cotton industry in India. It extends the field of export trade on which India has to rely for a favourable trade balance.

30. In the uncertainties which appear to face every country so far as their external trade is concerned, there is surely a great deal to be said for individual commercial agreements under which a mutual contract exists by virtue of which a definite and growing volume of trade can be relied upon with reasonable confidence. Nothing could constitute a more hopeful promise that the political progress which is inherent in the White Paper proposals should be developed with the least possible delay and difficulty than an arrangement on the economic side from which both countries would derive clear and perceptible benefits. It is on these grounds that the Chamber feels that the Joint Select Committee is entitled to recommend an extended commercial treaty as a definite contribution to the problem of settled and harmonious relations between India and Great Britain.

TABLE No. I (a).

## INDIA : PRODUCTION, IMPORTS AND CONSUMPTION OF COTTON PIECE GOODS.

Average	Mill Produc- tion.	Esti- mated Hand Loom Produc- tion.	Total Indian Produc- tion.	IMPORTS.		Total Imports & Produc- tion.	Total Exports & Re- exports	Avail- able for Con- sumption	Con- sumption per head Popula- tion.
				Total.	From U.K.				
				million linear yards.					yards.
1910-11 to 1913-14	1,141	1,015	2,156	2,741	2,651	4,897	290	4,607	14·6
1920-21 to 1923-24	1,685	1,171	2,856	1,420	1,243	4,276	299	3,977	12·3
1924-25 to 1927-28	2,135	1,236	3,371	1,787	1,465	5,158	408	4,750	14·2
1928-29 to 1931-32	2,466	1,294	3,760	1,380	894	5,140	339	4,801	13·8

(Sources.—Statistics of Cotton Spinning and Weaving in Indian Mills, Accounts relating to the Sea-borne Trade and Navigation of British India, Review of the Trade of India, Indian Census of population.)

3<sup>d</sup> Novembris, 1933.]

[Continued.]

TABLE No. I (b).

## IMPORTS OF COTTON PIECE GOODS INTO BRITISH INDIA BY CLASSES AND CHIEF SOURCES OF SUPPLY.

		Years ended March 31st						
		1913-14.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
		<i>million linear yards.</i>						
<i>Grey.</i>								
Total	...	1,534.2	875.5	838.6	925.5	365.0	249.4	356.0
U.K.	...	1,516.0	651.2	581.6	520.5	143.3	59.7	111.1
Japan	...	7.1	214.8	241.7	393.7	218.3	185.2	243.9
<i>Bleached.</i>								
Total	...	793.3	556.5	554.1	473.6	271.6	279.7	412.7
U.K.	...	781.4	526.8	525.4	435.9	230.0	207.0	281.0
Japan	...	—	5.6	5.5	13.9	28.1	59.8	120.4
<i>Coloured, Printed or Dyed.</i>								
Total	...	831.8	504.8	506.9	483.8	245.7	223.2	424.8
U.K.	...	770.4	352.2	335.6	278.6	147.6	110.3	194.3
Japan	...	1.7	102.7	109.8	154.3	74.3	94.7	214.2

(Source.—Indian Sea-borne Trade and Navigation Accounts.)

TABLE No. II.

## INDIAN REVENUE FROM IMPORT DUTIES SHOWING REVENUE DERIVED FROM IMPORTS OF COTTON PIECE GOODS AND YARNS.

		1921-22. 1924-25. 1928-29. 1932-33.			
		<i>million rupees.</i>			
Revenue from Import Duties (a)	...	277.0	390.1	409.2	418.5
" " " " on Cotton Yarns and Piece Goods	...	43.4	82.5	65.0	70.8
Revenue from Excise Duty on Cotton Manufactures	...	31.9	21.8	—	—
(a) Excluding revenue from import duties on Salt.					

(Source.—Statistical Abstract for British India.)

TABLE No. III.

## CHIEF MARKETS FOR INDIAN EXPORTS WITH PROPORTION OF THEIR EXPORTS TAKEN BY U.K. IN EACH CASE.

		Exports from India in 1931-32.		Per cent. of Total Exports from each Country Taken by U.K.
		<i>Million rupees.</i>	<i>Per cent. of Total.</i>	
All countries	...	1,558.9	100.0	—
United Kingdom	...	434.6	27.9*	—
Japan	...	139.5	8.9	4.5
U.S.A.	...	138.7	8.9	18.8
Germany	...	101.9	6.5	11.8
China	...	77.9	5.0	7.1
France	...	74.8	4.8	16.6
Italy	...	54.0	3.5	12.0
Total above countries	...	1,021.4	65.5	—

\* NOTE.—The United Kingdom in 1931-32 took nearly 28 per cent. of India's exports. In 1931 the population of Lancashire was just over 5 millions, or 11.25 per cent. of the total population of Great Britain.

(Source.—Official Trade Returns of the countries concerned.)

3<sup>o</sup> Novembris, 1933.]

[Continued.]

TABLE No. IV.

## EMPLOYMENT PROVIDED BY THE BRITISH COTTON INDUSTRY.

	1912.	1924.	1930.
Operatives Employed in Cotton Spinning and Weaving ... ..	621,516	526,110	379,234
Operatives engaged in Finishing Processes ...	114,809	115,406	103,880
Total Insured Employed Persons in U.K. ...	—	10,428,000	10,085,000

† Includes Finishing of all classes of Textiles.

(Source.—Reports on U.K. Census of Production.)

TABLE No. V.

## U.K. TOTAL EXPORTS, SHOWING PROPORTION OF COTTON GOODS.

	1913.	1924.	1928.	1932.
		<i>£ millions.</i>		
Total Exports of British Produce and Manufactures	525·3	801·0	723·4	365·1
Exports of Cotton Manufactures ... ..	109·9	190·2	145·3	62·8
Cotton Manufactures as per cent. of Total ...	20·9	23·7	20·1	17·2

(Source.—Annual Statement of Trade of the United Kingdom.)

TABLE No. VI. (a).

## U.K. EXPORTS OF COTTON PIECE GOODS TO ALL COUNTRIES AND TO BRITISH INDIA.

*Average*

1909–13. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932.

*million linear yards.*

TOTAL (All Countries)	6,482	4,585	4,637	3,923	4,189	3,968	3,765	2,491	1,790	2,303
British India (including Burma).	2,508	1,552	1,336	1,460	1,551	1,453	1,268	728	356	546*

\* Estimated from square yards on the basis of the average width exported to India in 1931.

(Source.—Annual Statement of Trade of the United Kingdom.)

TABLE No. VI. (b).

## U.K. EXPORTS OF COTTON PIECE GOODS AND YARNS TO BRITISH INDIA.

## PIECE GOODS.

## YARN.

	<i>Mln. Linear yards.</i>			<i>£'000.</i>	<i>Mln. lbs.</i>	<i>£'000.</i>
1904–1908 average ... ..	2,317*	22,824*	34·59	1,908		
1909–1913     "     ... ..	2,508*	26,804*	35·71	2,083		
1914–1918     "     ... ..	1,859	27,541	25·69	1,229		
1919     ... ..	768	30,698	9·36	2,334		
1920     ... ..	1,374	75,299	22·83	6,873		
1921     ... ..	1,039	33,737	34·62	5,349		
1922     ... ..	1,308	30,892	37·55	4,451		
1923     ... ..	1,337	32,927	20·90	2,832		
1924     ... ..	1,552	40,838	20·19	3,141		
1925     ... ..	1,336	35,265	16·00	2,405		
1926     ... ..	1,460	34,055	20·49	2,381		
1927     ... ..	1,551	31,130	21·56	2,173		
1928     ... ..	1,453	30,426	21·72	2,419		
1929     ... ..	1,268	26,082	21·44	2,300		
1930     ... ..	728	13,740	11·96	1,076		
1931     ... ..	356	5,459	11·30	787		
1932     ... ..	546†	8,472	14·63	1,025		

\* Prior to 1913, includes flags, handkerchiefs and shawls not in the piece.

† Estimated from square yards on the basis of the average width exported to India in 1931.

(Source.—Annual Statement of Trade of the United Kingdom.)

3<sup>o</sup> *Novembris*, 1933.] Mr. J. HAROLD RODIER, Mr. T. D. BARLOW, [Continued.  
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TABLE No. VII.

## PRODUCTION AND EXPORTS OF THE BRITISH COTTON INDUSTRY.

	1912.	1924.	1930.
Number of Spindles (millions) ... ..	56 0	56·7	55·2
„ Looms (thousands) ... ..	805	792	601
Yarn Product on (million lbs.) ... ..	1,979	1,394	1,031
Piece Goods Production (million yards) ... ..	8,050	5,590	3,100
„ „ Exports „ „ ... ..	6,913‡	4,585	2,491
„ „ „ to India ... ..	3,057	1,552	728
Percentage exported to India ... ..	44·2	33·9	29·2

‡ Including flags, handkerchiefs and shawls not in the piece.

(Sources.—International Federation of Master Cotton Spinners' and Manufacturers' Associations, Reports on the U.K. Census of Production and Annual Statement of Trade of the United Kingdom.)

15,243. Do you desire at this stage to say anything in extension of that Memorandum or to make any corrections therein?—With your permission, my Lord Chairman, may I read the Preface to the Evidence?

15,244. Most certainly?—May I say, before doing that, that we are here on behalf of the Lancashire Organisation as well as the Chamber of Commerce; that is, the Cotton Spinners' and Manufacturers' Association and the Federation of Master Cotton Spinners' Associations, Limited, who associate themselves with the Chamber of Commerce in this evidence.

Marquess of Salisbury.] I understand the Witness is going to read the Preface to the Evidence which we have before us?

Chairman.] I think the Committee would wish to take that as read.

Witness.] If your Lordship pleases.

15,245. Do you desire to make any statement apart from the Memorandum and the Preface?—We should just like to say that since we composed this evidence we sent out a Mission to India to confer with the Indian millowners and the Government of India, and we have an emphatic preference for solution by co-operation as being preferable to some of the arguments that we have advanced perhaps in the joint evidence.

15,246. You have been impressed by the results of that Delegation?—We have, but we are not able to tell what the result will be until we have got more figures from our friends; unfortunately they have not arrived; they expect to arrive next week; so that until we have conferred with them we do not know what practical results have been achieved.

Marquess of Reading.

15,247. There was a statement in the "Times" with regard to it which you saw, of course?—Yes.

15,248. I suppose in addition to that there is nothing that you can tell us at present?—We have heard that an agreement has been initialled between Sir William Clare Lees, the head of our delegation, and the Bombay Millowners detailing several provisions. Is that the one you refer to, my Lord?

15,249. Yes, I refer to the one which came rather unexpectedly. An announcement appeared to the effect that certain heads had been arranged. All I wanted to know was whether anything could be added to that or whether that was the last news that you had of it?—We had no details direct of that arrangement.

Chairman.

15,250. Mr. Rodier, before I invite my colleagues to put questions to you, would you care to tell us whether you have made any arrangement amongst yourselves as to particular witnesses taking particular subjects?—No, we have not.

15,251. You would like us to address our questions to you, Mr. Rodier, would you?—Yes.

Sir Austen Chamberlain.

15,252. Mr. Rodier, I hope I may be permitted to begin my few questions by offering you my congratulations on what seems to me, at any rate as far as we know of it, the very successful result of the negotiations which have taken place. I understand you to say that the procedure of friendly negotiation which has been followed in this case is the one which you would always prefer and

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which you think is most conducive to the interests both of this country and of India?—Yes.

15,253. And you lay great stress upon the fact that those interests are not divergent but that the prosperity of the one, so to speak, plays into the hands of the other?—Yes.

15,254. You express some apprehension as to what might happen if trade were considered not on its merits but merely as an instrument of political propaganda. That is so, is it not?—Yes.

15,255. That is the one danger which you, I will not say, anticipate, but foresee as a possibility?—Yes.

15,256. And it is against the misuse of trade relations for the purpose of putting pressure on the Government that you ask the Committee to consider security?—Yes.

15,257. Do you wish to say anything as to the nature of the security which you think we might provide, or are you content, having brought the matter to our notice, to leave it to our consideration?—We do not see how we can amplify our evidence at this moment, we are content to leave it.

*Marquess of Reading.*

15,258. Of course, you make reference to paragraphs 122, 123 and 124; you deal with those. I gather from an examination of the *Precis* you have placed before us you are raising an objection to paragraph 124?—Yes.

*Marquess of Reading.*] I am referring to the special exceptions that were made. I do not want to go into the matter further at the moment.

*Sir Austen Chamberlain.*

15,259. Have you got the White Paper actually before you?—Yes.

*Marquess of Reading.*

15,260. I only wanted to bring out that there was that point in question, and as far as I understood—of course, I shall be corrected by Mr. Rodier if I am wrong—the only criticism upon the paragraphs in the White Paper is in reference to that part of paragraph 124 which makes special exceptions in certain cases?—Yes.

*Marquess of Reading.*] I did not want to put questions upon that at the moment. I will wait till I have heard

more of the questions put by some of the other members of the Committee, if I may.

*Earl Peel.*

15,261. I did want to put a question upon that specific point which Lord Reading raised, because I was in some difficulty as to what was meant by. "it appears open to doubt whether paragraph 124 does not in its present form open up the possibility of wilful discrimination." I really wanted to ask the Deputation what was their ground for saying that, because I am not quite clear what they mean by saying that paragraph 124 does take away the value of paragraphs 122 and 123. You, Mr. Rodier, have read it, of course, carefully and have studied it. It applies to two things: "payment of grants, bounties or subsidies out of public funds will not be held to fall within the terms of the two preceding paragraphs by reason only of the fact that it is limited to persons or companies resident or incorporated in India." That is to say, there is no discrimination there, is there? The condition is that they must be resident there in India and that the condition of a grant—the second part of paragraph 124—is "the company shall be incorporated by or under the laws of British India," and so it runs. Now I do not quite see how you establish the case that paragraph 124 does cut across or destroy the value of paragraphs 122 and 123. Perhaps you would deal with that point?—Yes. Paragraphs 122 and 123 are quite clear, but paragraph 124 contains a mention of grants and subsidies. We accept the principle that India in control of her own fiscal policy has the right to make any fiscal arrangements as regards tariffs or subsidies if she thinks it desirable, but we hope the discrimination against British nationals or companies as compared with others is not only contrary to the general spirit which animates the nations of the British Empire but in its essence is uneconomic.

*Earl Peel.*

15,262. I hope so too. These paragraphs 122, 123 and 124 deal with discrimination, do they not?—Yes.

*Earl Peel.*] I am not clear what you mean by saying that paragraph 124 contradicts the two others. Perhaps you would be good enough to state how you think discrimination can be set up under



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paragraph 124 and can neutralise to some extent the provisions of paragraphs 122 and 123.

Marquess of Zetland.] Lord Peel, would you give me the reference to the paragraph in the Memorandum which you are referring to?

Earl Peel.] It is paragraph 16.

Sir Joseph Nall.

15,263. Perhaps Mr. Rodier can give us an instance of what is intended. In paragraph 123 reference is made to British subjects domiciled in the United Kingdom, including companies, etc. Paragraph 124 says that that shall not apply if the subsidy or bounty provision is only made in respect of companies or persons domiciled in India?—Yes.

Marquess of Reading.] Or otherwise.

Sir Joseph Nall.] Paragraph 123 refers specifically to persons domiciled in the United Kingdom. Paragraph 124 says that shall not apply if the provision is only in respect of Indian undertakings.

Marquess of Reading.

15,264. As I understand, it makes three conditions, the result, as we know here, of the deliberations of the Committee which sat to inquire into this matter in India, and in respect of bounties, grants and subsidies it made the condition that companies not actually in existence and incorporated in India but nevertheless trading in India, before they could get any benefit from the grant or bounty or subsidy, would have to be incorporated in rupees, that is to say, incorporated in India with a percentage of Directors in India and facilities for training in India. That is the point, is it not?—Thank you, yes. What we feared when we made that remark was that it was designed to give bounties to Indians as against English.

Sir Austen Chamberlain.

15,265 Was that exactly your fear, that it was designed to give bounties to Indians as against English, or to manufacture carried on in India as distinct from manufacture carried on in England?—May I ask Mr. Barlow to answer that question?—(Mr. Barlow.) I think I may explain, my Lord Chairman, that our general attitude as regards this Clause 124 is this: We accept that if India has control of her fiscal policy she is entitled to do anything she likes in the way of bounties, subsidies or any-

thing else, but as a general proposition we take the strongest objection to subsidies. We think they are, as the experience of the last decade has shown, a very dangerous weapon which has two-edged consequences which cannot be foreseen when these subsidies are introduced. Therefore, as a general proposition we venture to put before you that the creation of subsidies is to be avoided, and in addition we were not quite certain about this Clause, whether it did not imply (perhaps we were wrong in this assumption) that subsidies were only to be open to people of Indian nationality as against non-Indians.

Marquess of Reading.] Clearly not.

Sir Austen Chamberlain.] I think if that was your fear you can be reassured.

Earl Peel.

15,266. So that your objection is first of all generally to bounties and so on?—Yes.

15,267. Of course, this clause, as you know, does not deal with that specifically, but only as they bear on questions of discrimination?—Yes.

Earl Peel.] It does not discriminate, does it, between what I may call companies, provided they are incorporated in India, and specifically Indian companies; there is no discrimination in the first part, is there?

Marquess of Salisbury.

15,268. It all depends on the words "incorporated in India". Do you object to that from the point of view of discrimination?—(Mr. Rodier.) No.

Marquess of Salisbury. That is the point.

Earl Peel.] That is the first half of it. Now may I go to the second part: "it imposes on companies not trading in India before the Act was passed, as a condition of eligibility for any such grant, bounty or subsidy, that the company shall be incorporated by or under the laws of British India". Is this the difficulty that you find, that new companies if they are to get a grant or subsidy may have to submit to certain conditions? Is that the point you dislike?

Marquess of Reading.

15,269. Is it not rather companies that are not incorporated in India? They need not be new companies, but if they

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want to get the benefit of a grant or subsidy then they must be incorporated in India, subject to the conditions to which I have referred. That is the effect of it?—Yes; we could not object to that.

15,270. What I suggest to you is that if India chooses to give a grant or subsidy for trading in India for the purpose of encouraging Indian trade, it is not unreasonable to ask that companies trading from this country with India should, in order to get the benefit of a grant or subsidy, be incorporated in India, with the conditions that obtain there?—Yes.

15,271. That I have always understood the business men have not thought unreasonable. You do not think that unreasonable, do you?—No.

Earl Peel.

15,272. Then just one other question with regard to paragraph 21. You are talking there about the financial Convention and the Report of the Statutory Commission, and you say that: "The White Paper proposals as the Chamber interprets them, do not envisage that this power should be exercised in the future by the Secretary of State." Can you point to any passage in the White Paper which shows that? Does not the Secretary of State or the Governor-General retain the general power of veto on legislation? It is not taken away by the White Paper, is it?—No; that was not our point. We were referring to the fiscal Convention.

15,273. Yes, so I understood?—We base our view on statements made on several occasions by the Secretary of State for India that, whatever the legal position, the Secretary of State does not intervene when the Government of India and the Legislature are in agreement. We understand that the policy of the Government is to regularise that position in the new Constitution.

15,274. But you have referred in your Paper, very rightly if I may say so, to paragraphs 268 and 269 in the Report of the Indian Statutory Commission, and there also, in the paragraph you quote, there is a limitation as stated in that paragraph on the fiscal convention: "but as a member of His Majesty's Government he cannot divest himself of responsibility for ensuring that no such measure cuts across general Empire policy or is so unfair to any constituent

part of the Empire as to bring India into conflict with it." There are rather limitations, are not there, to the full bearing of that fiscal convention?—The specific limitation which you mention, yes. We were not envisaging any further limitations.

15,275. Are you satisfied or not with those limitations as stated in paragraph 268?—We accept them.

15,276. But you also want that convention to have a statutory form, do you?—Yes.

15,277. You wish it to be embodied in the Constitution Act?—That is so.

15,278. May I ask you one further question, and that is on Part IV, of your Memorandum, "Trade Agreements"? You approve of the general policy of bilateral agreements, and so on. Do you wish then that a trade agreement of this kind should be entered into between whom?—Between the Governments.

15,279. You wish that scheduled to the Constitution Act?—No.

15,280. It is an agreement between this Government and the present Indian Government. Is that so, or between the Government to be set up under the proposed Constitution?—We were looking forward to trade agreements, more or less long term agreements. That is what we desire.

15,281. It is a general expression of a desire for long term trade agreements to be made, if possible, with the new Indian Government when that Government is set up?—Yes; that is so.

Mr. Morgan Jones.

15,282. I would like to ask one question in regard to the last paragraph, paragraph 30, of your Memorandum, and the last sentence. "It is on these grounds that the Chamber feels that the Joint Select Committee is entitled to recommend an extended commercial treaty as a definite contribution to the problem," etc. A treaty between whom, may I ask?—Between the Governments of India and of Britain.

Mr. Morgan Jones.] Might I ask the Secretary of State whether a treaty of that kind would be possible?—Would that be within the purview of the future Government of India to effect a treaty?

Sir Samuel Hoare.] A trade agreement?

Mr. Morgan Jones.] Yes, a trade agreement.

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Sir Samuel Hoare ] Yes, certainly.

Mr. Morgan Jones ] It does not fall outside their purview?

Sir Samuel Hoare ] No; a trade agreement would not.

Marquess of Salisbury.] It is not technically a treaty, of course.

Mr. Morgan Jones.] No, that is the word I was boggling at.

Mr. M. R. Jayaker.

15,283. May I just ask a few questions? Before I begin may I congratulate you on the spirit of your preface?—Thank you, Sir.

15,284. I suppose you are satisfied that the method of co-operation and goodwill is the right method in such matters, as you said in a previous answer?—Yes.

15,285. But do not you think that you will get better terms from India by the adoption of this method rather than by having strict provisions in the Constitution?—I think we have said so in the evidence.

15,286. You agree that you will get better terms by the adoption of this method than by having strict provisions in the Constitution?—In the main, yes.

15,287. I think you realise that, whatever rules there may be in the Constitution, their working will have to depend on the goodwill of the Indian people?—Certainly.

15,288. Therefore do you agree with some of us that to make the Viceroy the final custodian of your rights (the British Viceroy protecting British commercial interests) is likely to destroy this goodwill?—It is a question of degree, and it would be rather difficult to answer that without consulting our organisations.

Mr. M. R. Jayaker.] I will leave it there.

Sir Hubert Carr.] May I suggest that the Viceroy does not bring his powers into play unless those rights which we are referring to are attacked?—Is not that so?

Mr. M. R. Jayaker.] Even in the case of such an attack, if there is constant reference to the Viceroy when British and Indian interests are in conflict, you would agree that such a reference to the Viceroy (a British public man from here) is likely to destroy the goodwill on which the working would rest? However, I will leave it there.

Sir Hubert Carr.] May I ask one further question?

Sir Austen Chamberlain.] The witness's answer is a very fair answer, that it was a question of degree.

Mr. M. R. Jayaker.] I am leaving it there. Sir Hubert Carr is pursuing it further; I am not.

Marquess of Reading.] There is no question of the interference of the Viceroy unless there is some attempt to make discrimination. It never arises until then. The Viceroy does not come in to protect trade, or to encourage trade, directly. He comes in only when there is any interference.

Mr. M. R. Jayaker.

15,289. With reference to your preface, and paragraph 15 of your main Memorandum, I suppose most of your apprehensions are caused, as you mention here clearly, by the possibility that a certain party in India may get into a majority in the future Indian Government, and use the weapon of boycott wilfully and for political pressure. That is your fear?—Yes.

15,290. And if you were assured that the possibility of this party getting a majority in the Constitution was very remote, your apprehensions to that extent would be less?—Yes, that is so.

15,291. May I just ask you this. In paragraph 17 you say: "The grounds on which the Chamber submits that it is necessary to insert in the Constitution some safeguard against the possibility of enactments unduly penalising British export trade". What you mean by "unduly penalising" is a spiteful penalising, or penalising out of political motives?—Either one or the other.

15,292. But it must be not in the due course of administration of trade interests. What you mean is, taking the whole Memorandum, that you are afraid of a penalising which is spitefully intended to do injury to British interests, or which is political in its motives?—We did not necessarily mean spitefully, Sir, but we meant some legislative enactment such as the specific duty on plain grey goods, which is now 4½ annas per pound, which entirely prevented our competing in those goods in the Indian market.

Mr. M. R. Jayaker.] You would not complain, for instance, of an arrangement in the tariff which was necessary for the purpose of raising revenue or for

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the legitimate protection of an Indian industry?

Marquess of *Salisbury*.] The two things are quite different. Please distinguish between the two.

Mr. M. R. Jayaker.

15,293. I will take them one by one. You would not complain of a penalising of British export trade which was necessary, and which the Legislature and the Governor-General thought was necessary, for the purpose of raising revenue?—If it was going to be to such an extent that it was going to close our mills and make it prohibitive, it would be only natural for us to complain, would it not?

15,294. Would you call that unduly penalising British interests?—It would defeat the end of raising revenue, and we should certainly be inclined to complain if it were so high as all that.

Marquess of *Reading*.] Penalising is by no means confined either to spite or politics, surely, in the ordinary interpretation of the language used by the witnesses?

Sir *Samuel Hoare*.] Anyhow, duties as high as that could not be held to be revenue duties. If they amounted to prohibition they would not be revenue duties.

Mr. M. R. Jayaker.

15,295. That is what I mean. If India was so foolish as to put on a duty which cuts down your trade, it would hurt India itself. Surely India is sufficiently acute to realise that? Therefore, it is not likely to put on a revenue duty which would injure your trade, because it hurts India?—We are glad to hear that.

Sir *Hubert Carr*.

15,296. Did not you say there was one duty in action at the present time which prevents you competing?—Yes.

Mr. M. R. Jayaker.

15,297. I come to the last point about your fiscal convention. I take it from your previous answers that you do not complain against the rule which is called the fiscal convention, namely, that when the Indian Legislature and the Government of India are agreed, the Secretary of State does not interfere as a rule, except in exceptional cases?—No; we accept that.

15,298. What you complain of (correct me if I am wrong) is that the present

power of the Secretary of State in the final analysis to interfere in cases of commercial discriminatory legislation should be given a statutory recognition. That is what you want, I imagine?—That is our suggestion.

15,299. Is it clear to you that, under the scheme of the White Paper, the Secretary of State's power of the nature described here is not given up? I will explain my question to you so that you may be able to answer, and I will ask your attention to two paragraphs, if you have the White Paper before you, without taking you into many technical things. If you will kindly turn to paragraph 39 you will find there the Governor-General has the power of vetoing any legislation. I do not want to take you through all the details of the Constitutional veto. The Governor-General under paragraph 39 has the right of vetoing any legislation which, in his opinion, will amount to Commercial Discrimination. That power is given to him in paragraph 39. If you will turn to another paragraph, paragraph 20, you will find there that the Governor-General acting at his own discretion, as he will be in paragraph 39, is to be guided by instructions which the Secretary of State may send him from here. That is paragraph 20?—Yes.

15,300. "The Governor-General, in administering the Departments under his own direction and control, in taking action for the discharge of any special responsibility, and in exercising any discretion." You see therefore that the Governor-General in vetoing a Bill under his special responsibilities, or at his own discretion, will be guided by the Secretary of State's instructions. Therefore I am putting it to you whether you think that, under the scheme of the White Paper, the reference to the Secretary of State in the last resort is not given up in cases of Commercial Discrimination. It is there?—Yes.

15,301. Therefore what is your grievance?—We were relieved subsequently to hear, from a reply by the Secretary of State for India to Sir Joseph Nall, that the position of the Secretary of State remained substantially as before.

15,302. If it was so, you would not complain against that?—No.

15,303. That is what you want to secure?—Yes,

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15,304. And, if that is secured, you have no objection to the fiscal convention being followed?—No.

Marquess of Zetland.] I am not quite clear, from what Mr. Jayaker said, whether tariff questions would come under paragraph 20 as being a special responsibility of the Governor-General.

Sir Samuel Hoare.] So far as they are affected by discrimination.

Marquess of Zetland.] But I understood the witnesses to be not only referring to discrimination; they were objecting to the undue penalising of trade. That might not be discriminatory. The Indian Legislature might impose a very high tariff on certain classes of goods coming from all countries. That might unduly penalise the Lancashire trade, but it would not be discriminatory.

Sir Samuel Hoare.] In a case of that kind the Governor-General could not intervene directly under paragraph 20.

Marquess of Zetland.] No.

Sir Samuel Hoare.] He could intervene directly under paragraph 20 in the case of discrimination, supposing there was a high tariff, and there was discrimination against British trade as distinct from, say, Japanese trade, or any other trade.

Marquess of Zetland.] That is precisely what I thought, and I wanted to bring it out, because I am not sure that the witnesses appreciate that paragraph 20, to which Mr. Jayaker referred, would not give the Secretary of State power to intervene in the case of a high tariff unless it was discriminatory.

Marquess of Reading.] May I ask one question of the Secretary of State on that. I quite follow what is said with regard to paragraph 20, which only deals with special cases; but, as far as I have understood, the constitutional position always remains the same: that is, the Governor-General and the Viceroy always remain responsible to the Secretary of State and Parliament. Other matters may be discussed; correspondence takes place, but I thought nothing that we were doing here in any sense changed that. The Governor-General's responsibility still remains to the Secretary of State. Is not that so, Secretary of State?

Sir Samuel Hoare.] Yes, certainly.

Marquess of Reading.] That is the Constitution. That is a most important question. There cannot be any doubt

about that, that constitutionally that is the very basis of everything that has happened in the Constitution; that where there is a responsibility on the Viceroy and Governor-General, the Viceroy and Governor-General is not responsible to the Indian Legislature directly, but, of course, he has a responsibility, and that is to the British Parliament, exercised as it is in discussions through the Secretary of State.

Marquess of Salisbury.] It all depends on whether it is "at his discretion" or no.

Marquess of Reading.] May I point out to my noble friend that that is not quite so, if he will forgive me for saying so? I am glad to have this opportunity of doing so. I know the Secretary of State will agree with this. The words "in his discretion" have formed the subject of a good deal of discussion in the past, as to whether, when a Statute imposes an obligation on the Viceroy to exercise his discretion, that means his discretion, or his discretion controlled and supervised by the Secretary of State. I do not want to discuss it, because it passes out of discussion now by paragraph 20, and it is made perfectly plain that no question of that kind arises. Whenever it is at his discretion, as the Secretary of State has told you, he is still responsible, in the exercise of that discretion, to the Secretary of State.

Marquess of Salisbury.] I know exactly what Lord Reading says. I understand that the words "in his discretion," or sometimes in the form "at his discretion," have a special meaning in this document, meaning with the consent of the Secretary of State. Of course, one would not know that in English it had that meaning, but that is now understood.

Marquess of Reading.] I am pointing out that that is the special thing which was cleared up, if there was ever any doubt, by what the Secretary of State has said and by the White Paper. With regard to all other matters in which you do not get the specific direction, the constitutional position nevertheless remains the same throughout, that the responsibility of the Governor-General and Viceroy is to Parliament through the Secretary of State.

Lord Eustace Percy.] What was said by Lord Zetland is not correct, if he will allow me to say so. Paragraph 20 does

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not cover only action by the Governor-General within his special responsibility, but any action in exercising any discretion vested in him in the Constitution Act. One of those discretions vested in him in the Constitution Act is the vetoing of legislation, and therefore the position is quite correctly stated by Mr. Jayaker. It is covered by paragraph 20 completely. Is not that so, Secretary of State?

Sir Samuel Hoare.] Yes, it is. I was not in my answer dealing with the question of veto, because one treats that as in a different category from the more direct action in the field of special responsibility. What I was pointing out was that this does not come into the field of special responsibility.

Mr. Morgan Jones.] May I ask a question to resolve a difficulty of my own arising from Lord Zetland's question? May I ask the witnesses whether they would take objection to the imposition of a tariff, however high, by the Indian Legislature, so long as that is applied without distinction to British and other foreign goods?

Sir Samuel Hoare.] You could not very well expect them to give any other answer to that question but the answer that British traders would object to high duties.

Mr. Morgan Jones.] I am not using the word "object" in the sense of not liking it; I am using it in a stricter sense, namely, whether they would regard that as a ground for arguing that the Indian Legislature was doing something that was particularly unfair in respect of British industry itself.

Sir Austen Chamberlain.] That is the subject of half the conversations conducted by the Foreign Office on behalf of traders of this country with other countries. If such a duty is unfair we try to get it down. You cannot ask traders in this country to forego the right to ask their Government to plead their cause.

Sir John Wardlaw-Milne.] Supplementing what Mr. Morgan Jones has said, may I illustrate it by the case of a duty put on to all goods of a certain class coming into India, when, in point of fact, such goods only come from Great Britain.

Sir Samuel Hoare.] In the Indian case the issue would then arise whether it was

discrimination under the special responsibilities or not. It would depend on the particular case.

Marques of Reading.] In any event, the Lancashire members would object to it.

Sir Samuel Hoare.] Certainly.

Mr. Morgan Jones.] I would like to press my point in another way. Would the witnesses take the view that the Indian Legislature ought not to have the power to impose a tariff, which in fact amounts to a prohibitive one, upon all goods, as long as they are imported goods, foreign as well as British goods?

Sir Samuel Hoare.] Have not the witnesses just answered that?

Mr. Morgan Jones

15,305. I would like to put that question?—(Mr. Barlow.) It may be difficult, but one has to endeavour to be logical, and I do not quite understand the point in this question. If we admit the principle that India has fiscal control, all we have the right to object to is discrimination. If the Government of India, in the interests of India, thinks that a certain duty is necessary, and imposes that duty on all goods that come into India, we have no right to protest. Of course, I must say that we should protest if we could. We should make a lot of fuss about it. Whether it would do any good or not I do not know.

15,306. I am quite satisfied with the answer?—But may I add a further word in reply to what Mr. Jayaker said? Is it not possible, if politics are brought into these economic matters, that it would be quite possible to discriminate, in putting a duty against a particular country? Would not it be possible to go through your imports and say, "We can hit these people on this commodity. The effect of putting up the duties on this commodity against other countries does not matter, for we do not import it from them." I am sure Mr. Jayaker would agree that that would be essential and moral discrimination against us. I am sure he would not wish to do that.

Mr. M. R. Jayaker.

15,307. What I am pointing out to you is that, according to your previous statement with which you began, that you would give to India complete freedom to regulate her tariffs and fiscal

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policy, you can only complain if it fell under discrimination against Britain?—Yes.

15,308. Is not that so?—Certainly.

15,309. That is all I was pointing out to you, and what I was pointing out to you in paragraph 20 was that it refers to special responsibility, meaning Commercial Discrimination, and it also refers to a discretion being exercised for veto. As Lord Eustace Percy says, it covers both?—Thank you.

*Sir Austen Chamberlain.*

15,310. May I just add that, if you take the extreme case put by the witness, it is this, that on examination of the tariff which is set up you find that all important articles of British trade are hit by the tariff, and that it has been carefully framed with that object in view and is not perhaps directly discriminatory in the particular duty but discriminatory in its total effect?—Yes.

*Sir Austen Chamberlain.*] Surely that is one of the cases to be decided, as the Secretary of State says, on its merits. Discrimination does not necessarily take the form of saying that this particular duty shall be levied on British goods only and not on those coming from other parts of the world. You may discriminate in fact in other ways.

*Mr. M. R. Jayaker.*] Then I can only reply that I hope you will give us a Viceroy who will have the acuteness to see that it is cloaked discrimination, and you have given him the power of dealing with that under his special powers.

*Earl of Derby.*] If what Sir Austen Chamberlain has suggested did occur, the Viceroy under paragraph 20 would have power to intervene.

*Mr. M. R. Jayaker.*] I understand the witnesses say that they do not complain of India having complete freedom to regulate her tariffs and fiscal policy; they can only complain if the tariff is so regulated as to discriminate against Britain.

*Sir Phiroze Sethna.*] I would like to quote a sentence from the 1919 Report of the Joint Select Committee: "Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and

South Africa." The Secretary of State of the day, in March, 1921, in reply to a deputation from Lancashire, said as follows "After that report by an authoritative committee of both Houses and Lord Curzon's promise in the House of Lords, it was absolutely impossible for me to interfere with a right which I believe was wisely given and which I am determined to maintain, to give to the Government of India the right to consider the interests of India first, just as we, without any complaint from any other parts of the Empire, and the other parts of the Empire without any complaint from us, have always chosen the tariff arrangements which they think best fitted for their needs, thinking of their own citizens first" I do not want to pursue the point further, after the assurance the witnesses have given that, so far as the present Fiscal Convention is concerned, they have no desire to see it altered. In your prefatory note, Mr. Rodier, in paragraph 6, you express the fear that developments in the political field might place power in the hands of those who would foster a policy of trade discrimination. Do you object to trade discrimination altogether, or would you agree to trade discrimination under certain circumstances? —(*Mr. Rodier.*) We disagree with trade discrimination, generally speaking, but what are the special circumstances that Sir Phiroze Sethna refers to?

*Sir Phiroze Sethna.*

15,311. I am referring to the trade discrimination that is allowed at present, preference to British goods that we have given of our own accord; that is trade discrimination. The instance I give is this, that we are already exercising trade discrimination in favour of British goods. The Witness said on no account is he in favour of trade discrimination. I am pointing out that India is agreeable to give trade discrimination, and has given it in the case of British imports.

*Marquess of Reading.*] He will not object to that.

*Sir Phiroze Sethna.*] The Ottawa Agreement is based upon the principle of discrimination between Empire and non-Empire goods. As discrimination between Empire and non-Empire goods is found necessary, so between nationals and non-nationals where the different units of the Empire are concerned; and if dis-



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crimination becomes necessary would you still object?—I did not grasp that question.

Sir *Phiroze Sethna*.] I said that the Ottawa Agreement has certainly allowed for discrimination; has distinguished between Empire and non-Empire goods. My next question was: Would you object to discrimination to some extent if necessary between nationals and non-nationals?

Marquess of *Salisbury*.] Would you explain to the Witness what you mean by nationals?

Sir *Phiroze Sethna*.] By nationals I mean Indians themselves.

Lord *Eustace Percy*.] Do you mean Indians or do you mean persons carrying on business in India?

Sir *Phiroze Sethna*.] No; I meant Indians.

Marquess of *Reading*.] Indian nationals.

Sir *Phiroze Sethna*.

15,312 Indian nationals?—We should object to that.

15,313. Now, coming to your statement, in paragraph 4 you advise that there should not be too rapid a growth of the cotton industry. Will you give some indication of what you mean by too rapid a growth of industry? Are you referring to an increase in the number of so many thousands of spindles and so many thousands of looms per annum?—Yes.

15,314. Have you any limits to fix in that regard?—No, no limit.

Sir *Phiroze Sethna*.] Then you say you do not want a rapid growth. Will you kindly define what you mean by a rapid growth?

Marquess of *Reading*.] "too rapid a growth."

Sir *Phiroze Sethna*.

15,315. "too rapid": I beg your pardon?—(Mr. *Barlow*.) What we would maintain is that the indigenous production of India has grown enormously and legitimately in the last fifteen years. We give the figures on the first page of the statistics. Our general proposition is that at the present time the textile production of the world is, broadly speaking, in excess of the consumptive capacity of the world, and this question should be regarded in a philosophic manner, and the enlargement of

the textile industry at any point in the world at the present moment is to be deplored.

15,316. But are you not suggesting this in the interests of the consumer, so that he may not have to pay higher prices for the goods?—We are looking at it as a general proposition, and we consider that the differentiation between the producer and the consumer upon a question like that is unwise.

15,317. But I should have thought, from what follows in the subsequent paragraphs, that it is the interests of the consumer you have at heart, so that he may get cheaper goods?—There are occasions, surely, you would agree, would you not, when the consumer gets his goods too cheaply? When the level of prices is depressed unduly he can buy certain commodities too cheaply.

15,318. And you do not want him to buy too cheaply?—We want a proper balance.

15,319. You would object to his getting the cheapest goods without the interference either of Protection or of Preference, would you?—I am afraid the world has got so complicated that it is rather difficult to envisage it without Protection and Preference, is it not?

15,320. In the present world depression you will admit, will you not, that in India it is the agriculturist who suffers more than the industrial worker?—I should imagine so, yes.

15,321. Then would it be right for the Government of India to help industries so that many agriculturists might find profitable employment, and, becoming industrial workers, their standard of living would become higher?—I should say there is a great deal to be said for that policy, but it is a question of degree and balance, and if you are directing the question specifically to the textile industry, I would reply that the enlargement of your industry in the last two decades has been remarkable and one upon which you deserve congratulation. It is not desirable to stimulate too strongly any particular industry at too rapid a rate. In principle I would, personally, agree with what you have just said.

15,322. Then you would not like us to progress at the same rate in the next two decades?—I think it is dangerous to isolate India in this purely economic

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question from the general complex of the world structure of the textile organisation.

Sir John Wardlaw-Milne.] Would Sir Phiroze allow me to ask one supplementary question?

Sir Phiroze Sethna.] Certainly.

Sir John Wardlaw-Milne.

15,323. As I understand your answer to his question, your difficulty is that if prices are too cheap the agriculturist will not be able to get proper prices for his product because of the general lowering of the level of prices?—Yes.

15,324. That is your only objection to a continual cheapening of prices?—The cheaper prices are the better. As a general proposition it is surely desirable that everything should be as cheap as possible, but we cannot isolate any particular commodity in this complex, and if one is unduly depressed it means that that section is suffering, and nobody desires really any section to suffer.

Sir Phiroze Sethna.

15,325. In paragraph 7, as also in paragraph 29, you refer to the Ottawa Agreement, where Lancashire promised to help India by endeavouring to get more Indian cotton consumed. May we know what efforts have been made in that direction so far, or if any success has been achieved or is likely to be achieved?—(Mr. Rodier.) The matter engaged our attention and the attention of Lancashire, as soon as the Ottawa Agreement was reached; and at once before we arrived at Ottawa a Committee was set up to enquire into this matter, and since then the Chamber of Commerce has formulated a Committee of Merchants to enquire into it. The British Cotton Growing Association have been communicated with to do all they can to foster it, and also special meetings have been held by the Chamber of Commerce in Manchester, with exhibitions of many kinds of cloth made from Indian cotton in order to examine them and to show to the merchants and consumers what goods can be made from Indian cotton. There has been a meeting this week of this Merchants' Committee. I should just like to add this point, that with regard to the rather course counts that you can spin from Indian cotton, that specific duty to

which I referred before, of  $4\frac{1}{2}$  annas per pound, is so high that it would be impossible for Lancashire to export goods of that category into India, as this week we hear that a large quantity of goods have been sold wholesale at  $9\frac{1}{2}$  annas a pound. That means that the duty of  $4\frac{1}{2}$  annas would represent the cost of the raw material or be equivalent almost to the labour costs in Britain; but in order to give you a fuller reply to that question, Sir, may I ask Mr. Grey, my colleague, to say a few words upon that point?

15,326 Certainly?—(Mr. Grey.) My Lord Chairman, we are using every endeavour in Lancashire to encourage as far as possible the use of Indian cotton. As Mr. Rodier has pointed out, no doubt you are familiar with the fact that there is a great deal of Indian cotton that can only be used in relatively low qualities of yarns and fabrics, and in the main those are not Lancashire productions. But I might say here as a Director of the Lancashire Cotton Corporation that we are using ourselves between twenty and thirty thousand bales of Indian cotton every year, and that use we are endeavouring to extend and to encourage its extension amongst all our spinners and our weavers. Of course, we realise this, that India will judge the question as to how many bales eventually are you able to take. We are not only pushing it by way of propaganda, but at the Shirley Institute the British Cotton Research Association are bending all their endeavours to devise machinery for the cleaning of Indian cotton to make it much more extensively usable for Lancashire productions. I might say that they are meeting with a very considerable measure of success, and that success will not possibly apply or be applicable to Lancashire alone. Any invention which improves the use or facilitates the use of Indian cotton will immediately become worldwide, and any mechanical device which makes it possible for Indian cotton to substitute American cotton will be very speedily available not only to Lancashire producers but to Indian producers, to Continental producers and producers all over the world. We are rendering, I claim, a very great service to the Indian cotton grower in that we are doing all we can to encourage the

3<sup>o</sup> *Novembris*, 1933.] Mr. J. HAROLD RODIER, Mr. T. D. BARLOW, [Continued.  
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use of Indian cotton not only in Lancashire but all over the world by making it a substitute for the higher priced cottons

15,327. Mr. Grey, will you tell us what is the present consumption of Indian cotton in Lancashire—how many thousand bales?—I could not say from memory.

Sir *Austen Chamberlain*.] My Lord Chairman, is that last question or questions on those lines really material to what the Committee has to consider? I quite appreciate it is of interest to Indian Delegates and to Lancashire representatives, but it really does not help us in the consideration of this Constitutional question.

Mr. M. R. *Jayaker*.] May I point out, my Lord Chairman, that it is material, because one of the things these gentlemen want is a trade agreement, and Sir *Phiroze Sethna*'s questions are intended to prove how far they have been able to carry out their own trade agreements at Ottawa. That is the relevancy of the question.

Sir *Phiroze Sethna*.] And the Witness has referred to it in two places, paragraphs 17 and 19.

Sir *Samuel Hoare*.] Are we really going into the details of a possible trade agreement? I should have thought if we do we should never end anywhere.

Marquess of *Reading*.] Surely it does not come within the deliberations of this Joint Select Committee.

Sir *Phiroze Sethna*.

15,328. I would not have put that question if it had not been referred to in the Memorandum, but if my Lord Chairman thinks I should not take up the time of the Committee I will pass on to the next question. We are very thankful to the witnesses for the very excellent Tables they have added to their Memorandum. At the end of Table 1 (a) in the last column you show that India's consumption per head has actually fallen. I hope I am justified in putting that question and that no objection is to be taken to the same. This shows, Mr.

Rodier, that the purchasing power of the Indian people has become less and less, does it not?—(Mr. *Rodier*.) The figure of 13.8, do you mean?

15,329. That is the one I am referring to?—It is lower than pre-war, but it is not very marked on the average.

15,330. Now in regard to paragraph 15 Mr. *Jayaker* asked you questions about the boycott. I certainly hold that a boycott did do harm to the Lancashire trade in India, but you are suggesting a safeguard in the Constitution Act. Do you not think that, as Mr. *Jayaker* put it, more than a safeguard in the Constitution Act, good will on both sides, will prove more useful, because no amount of safeguard will compel people to buy goods which they do not want to buy?—Undoubtedly.

Sir *Phiroze Sethna*.] Now in paragraph 23 you refer to Articles 11 and 15 of the Anglo-Canadian Agreement, and you suggest an Indo-British Agreement on similar lines. May I ask if in such Agreement you would agree to the inclusion of what is known as Article 10 in the Anglo-Canadian Agreement, which is as follows: "His Majesty's Government in Canada undertake that protection by tariffs shall be afforded against United Kingdom products only to those industries which are reasonably assured of sound opportunities for success."

Marquess of *Reading*.] May I ask, my Lord Chairman, what the bearing of this part of the discussion would have upon the matters that the Joint Select Committee has to consider? Of course they may be very interesting matters to discuss on the Ottawa Agreement.

Earl *Winterton*.] May I point out to the noble Lord that it is only fair to say that it is the witnesses who have raised this question in the last paragraph of their Memorandum.

Sir *Austen Chamberlain*.] The Committee is really not bound by what the witnesses have raised.

Earl *Winterton*.] I was not suggesting for a moment that they were.

Marquess of *Reading*.] Really the only point I am raising is more in the interests of the time of the Committee. It was simply, however, interesting these questions might be, and although they

3<sup>d</sup> Novembris, 1933.] Mr. J. HAROLD RODIER, Mr. T. D. BARLOW, [Continued.  
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are raised, I agree, but the witnesses, nevertheless they are not matters which we as a Joint Select Committee will have to deal.

Sir *Phiroze Sethna*.] It is a matter which from my point of view will contribute to a better understanding between Lancashire and India. That is the reason why I put the question. If you will allow me, my Lord Chairman, I will request the witnesses to answer it, otherwise I will not.

Earl *Winterton*.] Would not the witnesses be prepared to answer it?—Really it is extremely difficult for this Committee to discuss the last paragraph of the Memorandum.

Sir *Samuel Hoare*.] Is not the position, my Lord Chairman, really this: I think we are all agreed that we should like to see a Treaty of this kind; I think everybody is agreed about that, both Indians and British members of the Committee. The witnesses have drawn attention to this Treaty—I think we all accept it—but when it comes to going into the details of a Trade Agreement, that must be a matter between one Government and another, and I should have thought we could not go into that kind of detail here.

*Chairman*.] Sir *Phiroze* will appreciate that according to the procedure which governs our business the members of the Committee and the Delegates sitting with them will naturally be very largely guided by the feeling of the Committee as a whole upon a matter of this kind. I do not rule out Sir *Phiroze*'s question, but I merely draw the attention of Sir *Phiroze* to the general feeling of the Committee upon it.

Sir *Phiroze Sethna*.

15,331. I have only one more question to ask, and that is in relation to paragraph 27. Mr. Rodier, I join with Mr. Jayaker, and I am sure every Indian Delegate is at one with us, in what you said in regard to the negotiations which have so happily started, and we trust that they will be the beginning of more cordial relations in the future. In view of that, and in view of what you yourself said, that co-operation and federations are better than arguments, would you not think it advisable to withdraw that paragraph, because the implication of that paragraph amounts to this, that

you would like India to continue in perpetuity to supply the markets for British manufactured goods and not attempt to develop her indigenous industries?—No; we do not agree to that.

Sir *Phiroze Sethna*.] That is the clear implication of that paragraph, as I read it.

Sir *Austen Chamberlain*.

15,332. May we ask the witnesses whether they intended to convey that impression by the paragraph?—Emphatically, no. We want fair, reciprocal treatment for our trade.

Sir *Hari Singh Gour*.

15,333. Gentlemen, I also congratulate you on the tone of your Memorandum and the Preface to it. Now, frequent references have been made in your Memorandum and in the questions put to you to India's Fiscal Convention, and Sir *Phiroze Sethna* read to you a passage from the Report of the Joint Select Committee of Parliament on the Government of India Bill, to the following effect: "Whatever be the right Fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa." You agree with that view?—Yes.

*Chairman*.] Sir *Hari Singh Gour*, I trust you will not duplicate matters which have already been put to the witnesses. Unless I misunderstand, precisely the same question was put by Sir *Phiroze Sethna* and they gave the same answer.

Sir *Hari Singh Gour*.] But the next question is a more pertinent question, and I could not put the next question without putting the introductory question.

*Chairman*.] I still hope that Sir *Hari Singh Gour* will avoid duplication.

Sir *Hari Singh Gour*.

15,334. Yes. (To the Witness.) Now, having agreed with that, you are in favour of placing India in the same position as Canada, so that she may be effectively in a position to exercise her Fiscal autonomy?—Subject to the con-

3<sup>o</sup> Novembris, 1933.] Mr. J. HAROLD RODIER, Mr. T. D. BARLOW, [Continued.  
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tions that we have discussed before with the Secretary of State.

Sir *Hari Singh Gour*.] How do you reconcile the existence of those conditions with the general statement to which you accede, and to which I have drawn your attention?

Lord *Eustace Percy*.] My Lord Chairman, I wonder if I might suggest that we are here to find out from the witnesses what is their view and their opinion? Having found that out, I do not think it is very profitable to try to discover the mental processes, logical or illogical, by which they have arrived at those views and opinions.

Sir *Hari Singh Gour*.] That is all, my Lord Chairman.

Sir *John Wardlaw-Milne*.

15,335. There is only one question that I want to put to the witnesses, and that refers to their paragraph 15, Part II, of the original paper, the last line. You ask, in effect, in connection with boycott, that the Joint Select Committee should suggest some means by which there will be a right to prevent measures of the kind, that is, boycott measures, being put into operation. Do you seriously consider that it is possible, if it were right, to put words into an Act which will prevent a boycott being carried out in India?—We feel it is desirable but, as we are not constitutional lawyers, we could not suggest how it should be done.

15,336. You would merely desire to put on record that we should do something which you are unable to do?—Yes.

15,337. You cannot suggest any means by which it could be done?—We could not get an agreement in our Organisation as to how it should be done or how to do it.

15,338. You realize, in fact, that it is impossible to suggest any?—We are not prepared to agree to that. (Mr. *Barlow*.) Nothing is impossible to a body like yours.

Sir *Reginald Craddock*.

15,339. There is one question I wanted to put. To go back to paragraph 16 and Proposal 124 in the White Paper, you certainly, Mr. Rodier, expressed some apprehension about the working of Pro-

posal 124. Are your apprehensions satisfied now entirely on that point?—(Mr. *Rodier*.) I think the replies given explain more clearly than the section itself.

15,340. I may be wrong about this, but I would like to put one case: Supposing you had certain tariffs on the import of cotton goods which are designed partly for revenue and partly for protection of Indian cotton goods, then having arrived at that, to which you could take no exception I understand, bounties might be given to millowners in India, apparently, under that Proposal, which bounties would be in the nature of a further protection over and above the tariff to Indian mills. But I understand that you have no objection to such a proposal?—There may be objection to that, but we should have no greater objection to it than if the tariff were raised—the same sort of objection.

15,341. But might it not be an indirect method of raising the tariff, so to speak? It would enable the Indian millowners to sell their goods more cheaply than they could otherwise have done, which would give them a further benefit over and above the protection which they receive by the road of tariffs?—(Mr. *Barlow*.) My Lord Chairman, this is a very difficult question to answer, but I should have thought it was more or less covered by what we have said.

15,342. I do not think it is?—There is no case surely for giving a bounty or subsidy to a well-established industry. The justification, if ever there is a justification for a bounty, is for a nascent industry which in the national interests of the country should exist, but we regard subsidies with alarm. We think they are a pernicious instrument, but we cannot on that account go so far as to come and ask you that you should make Constitutional arrangements against them.

Sir *Joseph Nall*.

15,343. If, as a result of the trade agreement as suggested in the witnesses' Memorandum, their case is met, they would desire, would they not, that any conditions created by a trade agreement should not be afterwards frustrated by bounties to local producers?—(Mr. *Rodier*.) Yes, which would merely frustrate the agreement.

15,344. Therefore to that extent having achieved agreement in a trade

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agreement, you would desire that the provision relating to bounties should be so safeguarded that it should not ultimately frustrate the trade agreement?—Yes.

Mr. M. R. Jayaker.

15,345. You do not suggest that this should be put in the Constitution as a rule?—Such an act is moral discrimination, is it not?

Sir Samuel Hoare.

15,346. Would it not be subject to the trade agreement itself? The conditions of the trade agreement would presumably be such as to make such an action impossible.

Sir Joseph Nall.] Therefore the Constitution should be such that it would not enable the trade agreement to be overridden by further Government action. The Constitution should contain provisions which would prevent further Government action frustrating the trade agreement.

Sir Samuel Hoare.

15,347. I would not at all be led into saying Yes to a general question of that kind. It must depend on the trade agreement. We are not, and I do not think the witnesses are, contemplating the trade agreement being scheduled?—No.

Sir Joseph Nall.] No, but, on the other hand, we are discussing Constitutional matters in advance of the proposed trade agreement, and the decision on the Constitutional matters may be very largely governed by what emerges in the trade agreement.

Mr. M. R. Jayaker.] We did not put any questions on the trade agreement because, as the witnesses say, they are outside the scope of the Committee, but, if Sir Joseph Nall is going to pursue all the ramifications of the trade agreement, we must have the liberty of examining the witnesses upon it.

Sir Joseph Nall.] I am not for a moment endeavouring to pursue the ramifications of the trade agreement. I am referring to such agreements as have been reached by the Delegation in India. As I understand the witnesses, their references to a trade agreement are to something which will ultimately emerge from the discussions in India. All I am

asking on this point relating to agreements and bounties, is that in discussing these safeguards about discrimination and the Governor-General's powers under paragraphs 20 and 39 it would be entirely fallacious to ignore the possibility of bounties being used for the ultimate frustration of the trade agreement.

Sir Samuel Hoare.] I am sure this must be a matter for discussion by the Committee afterwards. I would only say now I do not accept Sir Joseph Nall's view.

Earl of Derby.] Nor do a great many others of us.

Sir Austen Chamberlain.] I would just mention to Sir Joseph that the protection which he thinks should be provided should find its place in the agreement itself.

Marquess of Salisbury.] But it is evidently legitimate to put a question to the witnesses as to whether certain alterations ought not to be made in the White Paper in order to prevent any interference with such a trade agreement under the bounties proposition. It seems to be quite relevant.

Marquess of Lothian.] Surely that is covered by the provisions against discrimination. Surely the only objection would be if the action was discriminatory.

Sir Joseph Nall.

15,348. I take it the witnesses would wish to avoid the possibility of bounties being used to frustrate the intention of the trade agreement?—Yes.

Sir Joseph Nall.] Arising from Mr. Barlow's answers on the expansion of industry, I take it that the witnesses are aware that evidence from Indian sources has been given to the Committee on that very matter in the Bengal Trades Union Memorandum, Memorandum 55, Volume IIC, page 58.

Chairman.

15,349. Are the witnesses aware of that? Yes. (Mr. Barlow.) I was not aware of it.

Lord Rankeillour.

15,350. May I call attention for a moment to paragraph 18 of your Memorandum, Mr. Rodier? You state there

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that you do not wish to suggest any form of words to secure the protection against discrimination, and so on, that you desire. May I ask if you have read the evidence of Sir Alan Anderson on behalf of the Associated Chambers of Commerce?—(Mr. Rodier.) Yes.

15,351. You remember he accepted a suggestion that he should take legal opinion as to what form of words he thought would be effective?—Yes.

15,352. May I suggest, from my own experience, that it is better to try to find your form of words than to trust to an overworked draftsman?—Might I suggest that you should get a draftsman who was not overworked?

15,353. The Parliamentary draftsman habitually is overworked when the Session comes on. Passing from that, you refer to certain proceedings in Ceylon. Can you refer me to the dates of those proceedings?—Yes, the year 1932, February 11th and 12th, May 25th, and the year 1933, January 17th and 18th.

Marquess of Salisbury.

15,354. I want to be quite clear, if I might put a question or two which will make it perfectly clear to the Committee exactly how you stand. You are afraid that there is a possibility of political action which would act as undue discrimination against British trade?—We would not like to put it as a possibility; we should like to safeguard ourselves against the probability of it.

Sir Austen Chamberlain.] Did not the witness mean the other way round, that they would not like to put it as a probability, but they would like to safeguard themselves against the possibility?

Marquess of Salisbury.] I understood the witness to say that.

Sir Austen Chamberlain.] No, he used the words the other way round.

Marquess of Salisbury.

15,355. I am very much obliged. For the purpose of protecting British trade you have been referred to paragraphs 20 and 39 in the White Paper?—Yes.

Marquess of Salisbury.] Those are protections against legislative discrimination, are they not? Paragraph 20 is. I ought to be more accurate. That is a protec-

tion against legislative discrimination, is it not, because it only refers to the power of disallowing statutes.

Marquess of Reading.] Is that so?

Marquess of Salisbury.] Is that not so?

Marquess of Reading.] I think you are wrong. Paragraph 20 refers to administrative action as well. I think paragraph 39 is the one you have in mind.

Marquess of Salisbury.] I cannot say how grateful I am for being put right.

Marquess of Reading.] It is only a question of getting the number right.

Marquess of Salisbury.

15,356. Let me put it quite generally. It is possible to have provisions protecting British trade against undue legislative discrimination, but you do not think it is possible to have rules which will protect you against administrative discrimination, except in so far as they are exercised by the Governor or the Governor-General in their special responsibilities. Is that so? Let me put it quite generally. You have no proposal to make for an alteration in the White Paper. Have you any proposal?—No.

15,357. You have no proposal?—No.

Marquess of Salisbury.] Thank you.

Marquess of Zetland.] My Lord Chairman, Lord Salisbury just expressed great gratitude for having been put right over paragraph 20. I want to express equal gratitude for having been put right over paragraph 20 by Lord Eustace Percy. I admit that I had overlooked the fact that paragraph 20 does cover the constitutional right which the Governor-General has of vetoing legislation, and if, in my previous interruption, I suggested that Mr. Jayaker had given a misleading interpretation, I wish to offer him my profound apologies.

Lord Rankeillour.] But Lord Salisbury was not fully put right.

Marquess of Zetland.

15,358. The question that arises out of this that I want to ask the witnesses is this: It being the case that under paragraph 20 the Secretary of State apparently would have the last word with



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regard to any proposal by the Governor-General to veto a legislative enactment, is not the security which they ask for in paragraph 21 in connection with the fiscal convention already provided for? You agree that it is provided for?—Yes; we are glad to hear that it is.

Marquess of Zetland.] That is all I want to ask you.

Mr. Isaac Foot.

15,359. One question which follows the question put by Mr. Morgan Jones. Taking the illustration of Australia, of whom it is complained that they have put duties of 100 or 200 per cent upon hosiery goods going from this country, protests have been made against that duty, and representations have been made by the Department concerned. Supposing India was unwise enough to put upon cotton goods correspondingly high duties as compared with the hosiery duty in Australia, does your Delegation ask for any greater power in dealing with India than we have at present in dealing with Australia?—We ask for the power that has been brought out and formulated in the discussions this morning which is rather different from Australia.

Mr. Isaac Foot.] May I put that in this way? You do not ask, do you, for any limitation of Indian fiscal autonomy that would put them in a worse position than Australia as compared with ourselves.

Chairman.

15,360. If any uncertainty in your mind about the exact position of Australia makes it difficult for you to answer the question, I am sure you have only to tell the Committee so.—(Mr. Barlow.) It is a little difficult to understand the reason for this question, my Lord Chairman. We understand the position that has been explained to us this morning. We accept that position. Is not that answer adequate?

Mr. Isaac Foot.

15,361. I understand the position of the Delegation is that they consider that the future of their industry depends ultimately upon goodwill and complete friendship between the Indian people and ourselves. That is the real basis?—Certainly.

Sir Samuel Hoare.

15,362. I have only one question to put to the witnesses, and I put it because I think it is possible that one of the questions, and one of the answers that the witnesses gave, may be open to misapprehension by the public outside. There was a question asked the witnesses as to whether they were in favour of cheap goods for the consumers in India, and the answer that they gave may have given the impression that they were not in favour of cheap goods for the Indian consumers. Should I be right in saying that their general position is this, that in any industry where there is a glut, and where prices inevitably fall to an uneconomic standard, the ultimate result is not cheap goods for the consumer, but expensive goods for the consumer, from the fact that there is a crisis in the industry and probably, and almost certainly, large numbers of factories close down their businesses, the result of a glut being, therefore, worse prices for the consumers rather than better prices for the consumers. Is not that their general position in regard to the questions which were asked about cheap goods this morning?—I think the proper answer (I am afraid I am responsible for this misunderstanding, my Lord Chairman) is that it is obvious as a general proposition that the cheaper goods are the better, and especially is it desirable in a country like India, where so large a proportion of the population are poor agriculturists, that they should have cheap goods, but, where you have a general level of low prices, and goods being sold below the cost of production, whether they are manufactured goods or agricultural products, that is a condition that should be, if possible, avoided, and it is not in the general interests of the community that a big section of goods, however produced, and from whatever industry, should be sold below the cost of production, because the ultimate effect on the economy of the country, if one of its vital industries is in distress, is disastrous for every body. I hope that makes it clear.

Sir Samuel Hoare.] That makes it quite clear to me.

Chairman.] We are greatly obliged to you gentlemen for having given evidence this morning.

(The Witnesses are directed to withdraw.)

Ordered, That this Committee be adjourned to Monday next at Five o'clock.

**DIE LUNAE, 6° NOVEMBRIS, 1933.**

*evidence given on this day by the Secretary of State for India and his advisers is printed for convenience in Volume II<sup>B</sup>.*

**DIE MARTIS, 7° NOVEMBRIS, 1933.**

**Present:**

Lord Archbishop of Canterbury.  
Marquess of Zetland.  
Marquess of Linlithgow.  
Marquess of Reading.  
Earl of Derby.  
Earl of Lytton.  
Earl Peel.  
Lord Middleton.  
Lord Ker (Marquess of Lothian).  
Lord Hardinge of Penshurst.  
Lord Irwin.  
Lord Snell.  
Lord Rankeillour.  
Lord Hutchison of Montrose.

Major Attlee.  
Mr. Butler.  
Major Cadogan.  
Sir Austen Chamberlain.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Isaac Foot.  
Sir Samuel Hoare.  
Mr. Morgan Jones.  
Sir Joseph Nall.  
Lord Eustace Percy.  
Miss Pickford.  
Sir John Wardlaw-Milne.  
Earl Winterton.

The following Indian Delegates were also present:—

**INDIAN STATES REPRESENTATIVES.**

Sir Akbar Hydari.  
Sir Manubhai N. Mehta.

Mr. Y. Thombare.

**BRITISH INDIAN REPRESENTATIVES.**

His Highness the Aga Khan.  
Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Mr. A. H. Khuznavi.  
Lt.-Colonel Sir H. Gidney.  
Sir Hari Singh Gour.  
Mr. M. R. Jayaker.

Mr. N. M. Joshi.  
Sir Abdur Rahim.  
Sir Phiroze Sethna.  
Dr. Shafa'at Ahmad Khan.  
Sardar Buta Singh.  
Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

*Evidence given on this day by the Secretary of State for India and his advisers is printed for convenience in Volume II<sup>B</sup>.*

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[Continued.]

Mr. DOUGLAS DEWAR is called in and examined as follows:--

*Chairman.*

15,777. Mr. Douglas Dewar, you served in the Indian Civil Service from 1898 until 1924?—Yes, my Lord Chairman.

15,778. And, amongst other appointments, you held that of Accountant-General, Bombay, from 1914-15, officiating Comptroller and Auditor-General in 1920?—Yes.

15,779. And Accountant-General in the Punjab from 1921 to 1924?—Yes.

15,780. You are now retired?—Yes.

15,781. You have been good enough to prepare two memoranda for the Committee which you have handed in. They are Nos 75 and 76?—Yes, they are as follows:—

# MEMORANDUM 75 BY D. DEWAR, I.C.S. (RETIRED).

## *Précis of Evidence.*

Although I have taken the utmost possible care in the preparation of this précis, the time at my disposal has been insufficient to enable me to undertake the revision of the text of the MS. and the figures which is so desirable in a report of its complexity.

In my opinion the White Paper proposals are objectionable because their adoption would impose a grievous financial burden on the people of India.

In support of this opinion I will adduce statistics showing that

(1) for many years India was very lightly taxed under British administration,

(2) the burden of taxation has been greatly increased of recent years,

(3) much of this increase is the result of the recent administrative changes in the Government of India,

(4) the changes recommended in the White Paper will result in still heavier taxation.

Much of the income of the British administration in India is derived from sources other than taxation, e.g., that from the land, forests, opium, railways, irrigation, etc. Those who pay revenue under such heads receive a tangible return, such as the right to hold a given area of land, or to receive forest produce, etc.

The only kinds of taxes paid by Indians for which no direct return, other than services rendered by the State, are Customs, Income Tax, Salt Duty, Excise Duties, Stamp Duties, Scheduled taxes and Registration Duties.

The following table shows (in lakhs of rupees) the revenues (Central and Provincial) in the years 1864-65, 1911-12, 1930-31.

1864-65. 1911-12. 1930-31

## Source of Revenue—

Customs, Salt, Excise, Stamps, Income Tax, Registration ...	1,330	3,666	10,082
Other Sources ...	2,298	8,759	9,918
Total ...	4,628	12,425	20,600

Thus during the 47 years previous to 1911-12 taxation revenue increased by Rs.2,336 lakhs, while during the 19 subsequent years the increase was Rs.7,016 lakhs.

These increases are due to several factors, such as increase in the wealth of the people, growth of population, acquisition of Burma and increase in the rate of taxation. The only objectionable factor, from the point of view of the taxpayer is the last. I will deal with it alone.

In the year 1864-65, the taxes in force of the kind we are now considering were:

A tax on salt at the rate of Rs.2-12 a maund (82 lbs.).

A tax on all incomes from Rs.200 to Rs.500 per annum at the rate of 4 pies in the rupee, and on incomes over Rs.500 at the rate of 6 pies in the rupee.

Customs duties, a 7½ per cent. *ad valorem* duty on imports and an export duty of 2 annas a maund on grain.

Excise and Stamp duties, the rates of which I have not been able to ascertain.

The tax on salt was reduced from Rs.2½ to Rs.2 per maund in 1882, again raised to Rs.2½ in 1887, and then reduced to Rs.2 in 1903, to Re.1½ in 1905 and Re.1 in 1907.

7<sup>o</sup> Novembris, 1933.]

[Continued.]

The income tax (which had been introduced as a temporary imposition in 1860 in order to assist in the rehabilitation of India after the Mutiny) was abolished in 1865-66; but in order to make good part of the loss of revenue some extra Customs duties were imposed.

When taking off the income tax the Finance Minister, Sir C. E. Trevelyan, said, "As a potent but imperfect fiscal machine, it should be regarded as the great financial reserve of the country, and it will now be laid on the shelf complete in all its gear, ready to be imposed in case of any new emergency." Bad seasons, however, led to the reimposition in 1867-68 of a tax on incomes in the form of a licence on trades and professions, but this was in force only about 2 years. Bad seasons again led in 1877-78 to the reimposition of a licence tax on trades, and the Burmese War caused this tax in 1886 to be converted into an income tax, on non-agricultural incomes only, at the rate of 4 pies in the rupee on those between Rs.500 and Rs.2,000 per annum and 5 pies on all larger incomes. It remained at this rate until 1916.

As to the Customs duties, the increase in 1865-66 already referred to, consisted of an export duty of 3 per cent. *ad valorem* on jute, wool, tea and coffee and 2 per cent. on hides, sugar and silk. In 1875 the import duty was reduced from  $7\frac{1}{2}$  to 5 per cent., and many articles were completely exempted. Import duties were entirely abolished in 1882, but were reimposed at the rate of 5 per cent. *ad valorem* (with an equal excise duty) in 1894. The duties remained at this rate until 1916.

From the foregoing it is apparent that the rates of taxation were considerably lower before the War broke out in 1914 than they had been fifty years earlier; Excise duties, however, were higher, having been increased from time to time, mainly with the object of discouraging excess of drinking and drug-taking and, at the same time, not giving too great a temptation to illicit production.

Despite the fact that the rate of taxation had diminished the total revenue of the Indian Administration was nearly doubled between 1865 and 1914, and the proceeds of the taxes of the kind we are now considering was nearly quadrupled—this despite several bad failures of the monsoon in the period and the great fall in the gold value of the rupee. Notwithstanding this reduction in the rate of taxation the amount spent on education

and public health steadily grew. The expenditure by the U.P. Government on Education was Rs.133 lakhs in 1885, Rs.177 in 1901, about Rs.300 in 1906, and Rs.614 in 1916. In the United Provinces the number of primary schools rose from 4,758 in 1890 to 8,601 in 1903, and the number of hospitals and dispensaries from 212 to 500. As evidence of the betterment of the condition of the poorest classes it may be noted that in the U.P. between 1880 and 1903 (in which year the salt duty was lowered) the consumption of salt rose from 2.4 to 3.3 seers per head per annum.

Thus Robert Knight's assertion "India does not know what taxation means" was hardly an exaggeration during the period 1860-1916. India, in common with almost every country in the world, suffered financially from the effects of the Great War, but not nearly so severely as many countries. In 1916-7 the Salt Tax was increased from Rs.1 to Rs.1 $\frac{1}{4}$ , the import duties raised from 5 per cent. ( $3\frac{1}{2}$  in the case of cotton fabrics) to  $7\frac{1}{2}$  per cent., the duties on liquor and tobacco were raised, and the Income Tax was increased from 5 to 6 pies in the rupee on incomes from Rs.5,000 to Rs.10,000 per annum, and 9 pies on those from Rs.10,000 to Rs.25,000 and 12 pies on those over Rs.25,000. In 1918 a Super Tax was imposed which was as high as 3 annas in the rupee on incomes in excess of Rs.50,000. Thus, even after the Great War, taxation in India was little, if any, higher than it was in 1865. The great increase in the revenue receipts was, to quote from the *Cambridge History of India* (Vol. VI, p. 333), "due mainly to the greater wealth and prosperity of the country and the development of the commercial services which accounted for over 25 per cent. of the gross revenues. The unproductive debt which had sunk to the low figure of £3,000,000 in 1915, had risen under the stress of war to £67,000,000; but the greater part of the debt (at the end of 1917-18), viz. £283,000,000 had been incurred on works of a productive character. When the period under review (1858-1918) opened, India was almost unequipped with the public utility services of a modern state, while its finances were liable to be paralysed by the frequent occurrence of disastrous famines. Without its system of railways and canals, the commercial and industrial development of the country, reflected in the increase of its revenues,

7<sup>o</sup> Novembris, 1933.]

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would have been impossible; and by the protection they ensured, these undertakings had so far mitigated the effects of the uncertainty of the weather that famines in their former severity had become things of the past. The two outstanding achievements of the era were the financing of these great public works during a period of great monetary stress and the stabilising of the currency by the setting up of the gold exchange standard. The latter not only served its immediate purpose by rescuing the finances of the state from the depths of depression into which they had fallen, but, when perfected, permitted of the building up of a substantial gold reserve without trenching on the ordinary income. The best evidence of its success was its wide imitation throughout the East."

During this period of development the Indianisation of all the higher Administrative and Judicial services had been progressing steadily, and my own experience was that the Indian and European members of the services pulled well together in double harness.

*Effect of the Montagu-Chelmsford Reforms.*

It was recognised before their introduction that the Montagu-Chelmsford Reforms would involve heavy extra expenditure, especially in the Provinces; accordingly a Committee, presided over by Lord Meston, was formed to formulate a plan under which the Provinces were to receive a larger share of the general revenues of India in order that they would have a sufficient surplus to inaugurate the new costly Councils without the necessity of resorting to fresh taxation. Under the Meston scheme it was estimated that the spending power of the Provinces would be increased by Rs.867 lakhs. Despite this at the end of 1921-22, the first complete year under

the reforms, the Provincial deficit was Rs.874 lakhs (*vide* Simon Report, Vol. I (p. 353)), while the deficit of the Government of India was Rs 2,800 lakhs.

Thus at the end of the first year of the Montagu-Chelmsford Reforms the Provincial and the Central Governments found themselves in financial difficulties. Many complaints were made of the Meston distribution of the revenue; how far these were justified I am unable to say, but a great trouble was that the expenditure of the Government's new administration greatly exceeded the revenue.

For the first few years after the reform the financial condition of the provincial Governments was less unfavourable than that of the Central Government because their annual subventions to the latter under the Meston Scheme diminished in each successive year, and, from 1927-28 entirely ceased. In consequence of this and of the increase in taxation immediately after the reforms most of them were able more or less to balance their budgets until the prices of agricultural produce began to fall. In 1929-30 the expenditure of the following Provincial Governments exceeded the revenue:—Bengal, Assam, Bihar and Orissa, Burma, Punjab and the Central Provinces and Berar.

In the year 1930-31 the expenditure of every province exceeded its revenue, the excess ranging from 34½ lakhs in Assam to 181 lakhs in Bombay. Again in 1931-32 the expenditure of all the provinces exceeded revenue, the excess varying from 34 lakhs in the case of Assam to 206½ in that of Bengal (*vide* Whittaker). I have not seen the final figures for 1932-33, but I understand that nearly all the Provinces spent more than they received in taxes.

As will be seen from the following figures, the revenue of the Provincial Governments has been falling of late years.

*Revenue under main heads in 1927-8 (in lakhs).*

		Madras.	Bombay.	Bengal.	U.P.	Punjab.	Bihar.	C.P.	Assam.
Land Rev. ...	...	745	545	315	695	316	167	246	112
Excise ...	...	520	368	224	139	117	195	126	70
Stamps ...	...	252	174	350	172	121	110	65	24
Forests ...	...	53	72	34	64	39	11	53	35
Total ...	...	1,570	1,159	923	1,070	593	483	490	41

7<sup>o</sup> Novembris, 1933.]

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1928-29.									
Land Rev. ...	...	565	485	327	604	278	174	219	117
Excise ...	...	559	392	225	131	121	189	123	66
Stamps ...	...	251	168	355	173	121	110	70	22
Forests ...	...	63	73	31	62	35	11	54	38
Total ...	...	1,438	1,118	938	970	555	484	466	243
1931-32.									
Land Rev. ...	...	754	487	310	593	371	178	207	118
Excise ...	...	406	310	158	98	89	120	67	47
Stamps ...	...	226	148	277	162	111	105	55	18
Forests ...	...	45	59	16	45	23	6	48	21
Total ...	...	1,431	1,004	761	898	594	409	377	204

It will be noticed that the Punjab is the only Province in which the revenue under these heads did not fall off considerably between 1827-28 and 1931-32, the latest year for which I have been able to obtain the figures. The revenue of the Punjab under these heads did not fall in the period because the opening of new canals increased the land revenue from 316 lakhs in 1827-28 to 371 in 1931-32. In the U.P., where the land is assessed at a high rate, the recent fall in prices rendered it impossible to collect the revenue demand; in consequence a Rent and Revenue Committee was formed to enquire into the matter, and on the recommendation of this Committee it was decided to lower the annual revenue demand by 110 lakhs.

To cope with this fall in revenue, the provinces had to effect further economies.

The Government of the U.P. write (Annual Administration Report, 1930-31): "Owing to a series of misfortunes, chief among which was the fall in prices, provincial expenditure exceeded resources in three out of the last four years, i.e., 1928-29, 1930-31 and in 1931-32."

The report anticipated that the Province will have a deficit of 300 lakhs by the end of 1932-33. This, despite retrenchments, in the last two years to the extent of over 135 lakhs. "Of this the cut in pay has produced 40½ lakhs; the acceptance of various recommendations of the Retrenchment Committee has produced 13 lakhs; while the retrenchment effected by Government and its officers amounts to 82 lakhs. Other savings will be made by executive order or by reduction in demands, amounting to 9 lakhs. Still further measures, such as reduction of pay for new entrants to the services, are under consideration."

In addition to these savings, Government asked in their budget for new taxation to yield 30 lakhs, but even with this a deficit of 30 lakhs in the budget for 1932-33 was anticipated. The Report says, "The financial position of the Province is depressing. . . . It has to adjust itself on the basis of a lower revenue. . . . Government are determined to save as much as possible by means of retrenchment, but additional taxation is essential, and it may be necessary, when the Province has fully exhausted all means of retrenchment, to ask the Government of India to fund so much of the deficit as remains." The Government hoped, however, to reduce by economies and additional taxation the deficit to 100 lakhs in four years time.

Thus, despite the most drastic economies and cutting down of expenditure on roads, etc., and a reduction by 9½ lakhs of its contribution to the District Boards, the U.P. Government is financially in difficulties. The trouble is, of course, not by any means entirely due to the extra cost of the administration owing to the reforms hitherto granted. One cause is the fall in agricultural prices which are 7 per cent. below the 1914 level. On the other hand, India has of recent years been singularly fortunate in that there has not been a serious failure of the monsoon. A failure of the monsoon means a heavy fall in revenue and considerable increase in expenditure. On an average such a failure occurs every seven or eight years, and, during the interval, each Government tries to build up a big famine fund on which to draw when the monsoon fails. So far from being able to do this during the past years of good monsoons, nearly all the Governments are heavily in debt. Should

7<sup>o</sup> Novembris, 1933.]

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the monsoon fail in the near future their plight will indeed be bad.

The reports of the other Provinces show that the plight of most of them is similar to that of the U.P.

Despite rigid economies, cuts in pay and reduction of staffs, curtailment of expenditure on upkeep of roads and buildings and in grants to local boards, most of the Provinces are not paying their way, and the Central Government has only with the greatest difficulty done so.

The Government of India has had repeatedly to increase its rate of taxation since the introduction of the Montagu Chelmsford Reforms.

The taxes at present levied under the heads we have been considering are:—

*Salt Tax* is Rs.1½ per maund.

*Income Tax* as follows on non-agricultural incomes.—

Amount of Annual Income.	Rate of Tax per rupee of income.
	<i>Pies.</i>
Rs.1,000 ... ..	4
Rs.2,000 ... ..	7½
Rs.5,000 ... ..	11½
Rs.10,000 ... ..	15
Rs.15,000 ... ..	20
Rs.20,000 ... ..	23½
Rs.30,000 ... ..	28½
Rs.40,000 ... ..	31½
Rs.1,000,000 ... ..	32½
All incomes of Companies ...	32½

*Super Tax* as follows:—

On incomes of Hindu undivided families over Rs.75,000 per annum at rates ranging from 18½ pies to 93½ pies per rupee of income.

On incomes over Rs.50,000 per annum of companies at 15 pies per rupee.

On all other incomes in excess of Rs.30,000 at rates from 11½ pies to 93½ pies per rupee.

*Customs duties* as follows:—

Twenty-five per cent. *ad valorem* duty on most imports. (A few commodities are less highly taxed, such as cotton twist, yarn and thread on which the import duty is 6½ per cent., and raw hemp, artificial silk yarn and thread, on which the duty is 18½ per cent. Sugar, motor cars and other luxuries pay more than 25 per cent. duty, that on sugar being about 16 per cent. The general import duty on spirits is Rs.37 As.8 per gallon, on motor spirit

As.10 per gallon, and on kerosine As.3 Ps.9, with a like excise on spirits produced in India. The duty on matches is As.14 for 144 boxes of 100.)

Export duties of 5 per cent. *ad valorem* on raw hides and skins, As.2 pies 3 per maund on rice, Rs.4½ per 400 lbs. on bales of jute, other than cuttings on which the duty is Rs.1½, Rs.32 a ton on hessians and Rs.20 on jute and sacking.

Despite this increase in taxation the revenues of the Central Government have fallen off of late years. In 1928-29 the gross revenue receipts of the Government of India were Rs.12,897 lakhs, in 1930-31 they were Rs.12,459½ lakhs and the estimate for the current years (1933-34) is Rs.12,452 lakhs.

The public debt in India has been greatly increased of late, as will be seen from the following figures which I have taken from Whitaker's Almanack:—

Year.	Amount of India's Public Debt (Central and Provincial).
	£
1912-3 ... ..	274,403,000
1926-7 ... ..	514,290,000
1929-30 ... ..	711,200,000
1931-2 ... ..	776,000,000

In April of 1930 the excess of interest-bearing obligations of the Government of India over interest-yielding assets was £133 million; twelve months later it had risen to £162 million. This, despite the fact that of recent years expenditure on capital works has diminished.

That the reforms are largely responsible for the recent increases in expenditure is shown by the fact that the charges under the head of General Administration (including audit) in India rose from Rs.289,20,000 in 1912-4 to Rs.15,15,50,000 in 1930-1, whereas the gross expenditure rose from Rs.125,48,85,000 to Rs.230,42,90,000. In 1908-9 the gross expenditure for the whole of India was Rs.109,24,88,675.

Provincial expenditure tells the same story; the gross expenditure of the U.P. Government rose from Rs.747,46,750 in 1908-9 to Rs.12,03,32,100 in 1931-2, i.e., nearly doubled, while the increase in the General Administration charges rose from Rs.20,82,000 in 1908-9 to Rs.141,13,300 in 1931-2—a sevenfold increase.

In order to obtain some idea of the increase in the cost of administration



7<sup>o</sup> Novembris, 1933.]

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resulting from the changes in the Government of recent years I visited the India Office and consulted the Civil Lists of the Government of the United Provinces dated 1st July, 1908, and 1st July, 1932, respectively, and discovered that the number of the gazetted officers in the Secretariat (excluding P.W.D. officers) had risen from eight to 41, and the expenditure from Rs.19,283 p.m. to about Rs.74,000 p.m.

It is worthy of notice that (1) the salaries fixed for the four new Members of Council in all exceed those of the Lieutenant Governor and all the Secretaries and Under Secretaries in 1908, i.e., the whole Civil Secretariat just after the Minto-Morley Reforms.

(2) The great increase in the charges of General Administration, in so far as they relate to *numbers of employees*, appear to be due entirely to the Reforms. The gazetted personnel of the Board of Revenue in the U.P. (which deals with the collection of the Land Revenue) and that of the Public Works Department that deals with the making and upkeep of roads, buildings and canals, is approximately to-day the same as it was in 1908.

The above figures relate only to a part of the extra expense of the Reforms that have so far been effected. Every gazetted officer has from two to six messengers attached to him. Moreover, these extra officials necessarily involve a large increase in the clerical establishment. In addition to these officials, two other new appointments have been made, viz., the Secretary and the Superintendent of the Legislative Council, of which the average monthly salaries are Rs.800 and Rs.550 respectively. Then, all the Members of the Legislative Council are paid travelling allowance and other allowances while attending the Council. These allowances are mixed up with other charges and I have not been able with the material to hand to extract them.

The large addition to the staff has necessitated the erection of new offices, which have to be kept in repair.

In my opinion the present Constitution is considerably more costly than India can comfortably afford, and ought in the interests of the people of that country to be replaced without delay by a less expensive one, such as that which was in operation at the time when Mr. Montagu visited India. The gross revenue of India in 1911-12 was Rs.120 crores and the expenditure on General

Administration was Rs.2 crores 68 lakhs. In 1930-31 the revenue was Rs.206 crores 68 lakhs. On this basis the cost of General Administration should have been about Rs.4 crores 53 lakhs, in fact it was Rs.15 crores 12 lakhs. In order once again to make India a comfortable country to live in the cost of General Administration should be reduced by something like 10 crores and so permit the lowering of the rate of taxation. The White Paper proposals, instead of doing this, will add greatly to the present high cost of the administration, indeed, I am very doubtful whether the form of Constitution outlined in the White Paper is practicable under the present financial conditions.

#### *Pension Charges.*

Pension charges have risen greatly of recent years, largely owing to the premature retirement on proportionate pensions of those who disliked the Montagu-Chelmsford reforms. The Annual Administration Report of the U.P. Government for 1930-31 shows that 12½ lakhs a year are being paid to those who retired on proportionate pension during the past three years.

A Notification has already been issued giving all existing officials right to retire on the introduction of the new constitution. Probably a considerable number of officers will avail themselves of this offer.

Five hundred and fifty-eight officers have retired on proportionate pensions since the Montagu-Chelmsford reforms and the pensions of these must cost India over one crore of rupees annually.

The following figures show how the expenditure on pensions has increased of late:—

Year.	<i>Expenditure on Superannuation Allowances and Pensions.</i>	
	...	...
1912-13	...	Rs.491,85,000
1927-28	...	Rs.582,90,000
1932-33	...	Rs.767,70,000

No one can foretell to which extent previous payments will increase owing to premature retirements on account of the proposed reforms. But it is likely to be great. During the first year of the Montagu-Chelmsford reforms, which affected comparatively few officers recruited by the Secretary of State for India, 190 officers retired on proportionate pensions; it is therefore not improbable that as the changes now pro-

7<sup>o</sup> November, 1933.]

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posed will affect a far greater number of officials, the number of retirements will greatly exceed 190. It may be that the expenditure on pensions will exceed Rs.10 crores during the first year of the proposed constitution. This is expenditure for which the taxpayer gets no kind of return.

The large increase in establishment as a result of the Montagu-Chelmsford reforms, which have now been in force for 14 years, will in another 15 years make itself felt in the form of increased pension charges.

These charges will fall upon the Federal and Provincial Governments.

#### *Additional Cost of Audit and Accountancy.*

The present system of audit and accountancy is theoretically bad, because the same officer is both accountant and auditor, only payments are audited and these mostly on the certificates of expending officers, and there is, no audit of receipts, the heads of Departments alone being responsible for seeing that the dues of the Government are collected. The present system, despite its theoretical defectiveness, has in practice worked well because of the very high standard of the higher Government Officials and because all auditors and accountants in all the Provinces are controlled and paid for by the Government of India. This system is very economical because one large audit staff for the whole of India can carry on with a proportionately small reserve for leave vacancies and officers under training.

If there is to be real provincial autonomy each Province should have its independent Auditor-General and audit staff and its independent Accountant-General. This will be much more expensive than the existing system, especially in the smaller Provinces, such as Bihar and Orissa, where the Gazetted Accounts and Audit Staff, if my memory be not at fault, is composed of four Officers; in such an establishment it would be necessary to have two extra officers, one to fill leave vacancies and one under training; it takes two or three years to train a new accountant or auditor.

It may be that the audit staff under the new constitution will all be controlled by one Auditor-General who will be an officer of the Federal Government. As most of the Provinces are in debt to the Government of India and this debt will be transferred to the Federal

Government, that Government may insist on the Provincial accounts being audited by its auditors. But it is scarcely compatible with autonomy for the Accountants of one Government to be under the control of another Government. This has been foreseen, and by way of an experiment audit was separated from accountancy in the United Provinces. The experiment proved so costly that it was abandoned. The cost of the new Provincial accounts establishment was 9½ lakhs a year, but there were some savings in the audit establishment.

The present system by which only payments are audited and these on certificates, if continued under the proposed constitution, will almost certainly lead to serious financial irregularities and losses. It was found to be ineffective in the case of District and Municipal Boards accounts which are under Indian control, hence these are audited, not on certificate at the headquarters of each Government, but on the spot by a peripatetic audit staff. This system is far more expensive than the present one. Thus the various Governments will be faced with the alternative of spending large additional sums on the audit and accounts staff or losing a not inconsiderable amount of revenue on account of ineffective audit.

The audit regulations are very complicated, and there are several codes of audit rules for each Province. All these will have to be revised if the system of audit and accounts is changed, and this will entail considerable expenditure and require a number of experts to effect the revision. Where all these experts and additional accountants are to come from I know not.

Other items of additional expenditure and loss of revenue owing to the transfer of currency operations to a Reserve Bank, the present opium policy and the separation of Burma are dealt with in my supplementary memo. The proposed changes will increase considerably the cost of administration. At the same time the revenues of the Governments, which have declined of late years, are likely further to decline. The decline of the revenues of India is, I believe, officially attributed to the world wide depression and the fall in prices. These are certainly the main factors, but it may be that the efficiency of the Government has diminished since the Montagu-Chelmsford reforms and this has con-

7<sup>o</sup> Novembris, 1933.]

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tributed to the unsatisfactoriness of the revenue returns.

These reforms have led to replacement in some Departments of experienced and trained administrators by inexperienced and untrained ones, to the retirement of 558 experienced officials on proportionate pensions, to a fall in the scholastic standard of the Europeans recruited by the Secretary of State for India and to the accelerated Indianization of the services.

Few will deny that the first three of the above results must have tended to diminished the revenue return, because subordinate officials require strict supervision by experienced superiors if mistakes and carelessness, leading to loss of revenue and defalcations are to be avoided. That the replacement of European by Indian supervision is likely to lead to similar results can I think be demonstrated by such facts as the number of defalcations of Municipal and District Boards funds that come to light and the number of these boards (all of which are under Indian Management) that have to be superseded for mal-administration. Recently such important Municipal Boards as those of Lahore and Patna had to be superseded owing to mismanagement.

Another cause of the falling off in the revenue has been the unsettled condition of India during Lord Irwin's regime. Hartels, disturbances, riots and dacoities tend to harm trade and so lead to a fall in revenue. The latest available Administration Reports of the provinces show that there was a large increase of dacoities in 1931; in the U.P. there were 302 more dacoities in 1931 than in 1930, a rise of 52 per cent. In that Province the total number of prosecutions under the Excise and Opium Acts rose from 3,597 to 4,034, the highest figure hitherto reached in the Province. The increase in the amount of illicit distillation has certainly contributed to the fall in excise revenue already mentioned.

A concrete instance of a fall in revenue due to the increase of lawlessness is afforded by a comparison of the figures for forest revenue in the neighbouring Provinces of Bombay and the C.P. :—

	Revenue for 1929-30.	Revenue for 1930-31.
	Rs.	Rs.
Bombay ...	79,63,000	52,23,000
Central Provinces ...	59,97,000	51,12,000

The reason of the heavy fall in Bombay is, to quote from the A.A. Report of

that Government: "Civil disobedience assumed an aggressive and on occasion a violent form in many parts of the Presidency. In some places the mob entered the forests and helped themselves to timber. In two places the police had to fire on the mob and two forest guards were killed."

Under the Constitution adumbrated in the White Paper, all the above factors, except that of the fall in prices, will operate with increased force. In the first year of the Montagu-Chelmsford reforms no fewer than 190 officials retired on proportionate pensions although these reforms affected comparatively few of the officers recruited by the Secretary of State. The changes involved in the proposed constitution will affect almost all such officials. As a recent Notification has given these the right to retire on proportionate pensions it is not improbable that the number of retirements in the first year of the working of the new Constitution will be greatly in excess of 190. The sudden retirement of a large number of officials and the filling of their places by less experienced officers cannot but diminish the efficiency of the administration, and an inevitable consequence of this is a fall in revenue receipts. The less scrupulous of the Government subordinates are quick to take advantage of being supervised by inexperienced officers, and defalcations, irregularities and disregard of rules, resulting in loss of revenue, become numerous. This is demonstrated by the number of such delinquencies that come to light annually in District and Municipal Boards. In this connection the Government of the C.P. remarked (Report on District Board Administration, 1930-31, p. 12) "The recurrence from year to year of financial irregularities is a matter for anxious thought." In that Province local audit brought to light several cases of financial irregularities and 11 cases of embezzlement of District Council Funds in the year under report. In Madras 51 cases of defalcation and 10 of theft were detected during the year 1930-31. The figures for the U.P. were 14 large embezzlements and 11 cases in which disregard for rules resulted in considerable loss of revenue. Nor is the case of Municipal Boards any better. In the Government of Bihar and Orissa Administration Report (p. 37) it is stated: "If it be thought legitimate to expect a higher standard of administration in the towns than in District Boards owing to the presence of a concentrated electorate,

7<sup>o</sup> Novembris, 1933.]

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more enlightened and more able to make its wishes felt than a scattered rural population, the reverse is the case. . . . Several cases of embezzlement were reported." The Bombay Government said (Report on Working of Municipalities, p. 9): "Government regrets that on the threshold of a further stage in reforms, their verdict on Municipal Administrations generally must be so unfavourable." The C.P. Government record: "The audit report brought to light the usual crop of financial irregularities that have become such a disheartening feature of municipal administration. The persistent disregard by municipal committees of the very fundamentals of sound administration is to be deeply deplored."

A revenue or tax collector in India needs more than honesty and ability if he is to get in all the tax demand; he must have unusual force of character and a thorough knowledge of the rules and regulations and, in the case of a land-revenue collector, be able to appraise the value of a crop.

Another cause of loss of revenue which is likely to operate is that the inauguration of the proposed constitution will be deemed by the criminals and bad characters of the country a favourable occasion on which to commit thefts, burglaries and dacoities; it will also be a time when communal tension is likely to be acute and to lead to serious riots. It may well be that these events may be so numerous that the police are unable to deal with them adequately. Such occurrences will react unfavourably on the revenue receipts.

It is improbable that this loss of revenue will be limited to the first year or two of the new constitution. There are other factors that will tend to cause the revenue receipts to fall.

The prosperity of India depends largely on the calibre of the District Officers (Magistrates and Collectors or Deputy Commissioners). In my opinion it was largely owing to the good work of these officials that India made such progress in the XIX Century without increase in taxation. The majority of I.C.S. of from 10 to 20 years standing are either District Officers or District and Sessions Judges. The duties of the former are strenuous and unending; like the doctor the District Officer is at the beck and call of everyone day and night; the duties of the Judge, on the other hand, are dignified and confined to fixed hours. Some Civil Servants prefer to

serve as Judges, others as District Officers and a man usually works best when doing the job he likes. Speaking generally I should say that most Europeans prefer to work as District Officers while most Indians prefer to be Judges. When I was in India, almost all the senior Indian I.C.S. were Judges. It is my belief that the more the I.C.S. becomes Indianised the more difficult it will be to find good District Officers, and this difficulty will result in diminished revenues.

In this connection it is necessary to bear in mind that the average Indian working as a District Officer is at a great disadvantage as compared with an European because, owing to the different points of view of the Hindus and Muhammadans, disputes between the two communities frequently occur in which the District Officer has to act as umpire. The decision of the umpire is usually distasteful to one side, and if the umpire gives a decision in favour of the community to which he belongs, the other side will not abide by it so willingly as they would if he were not of that community.

Another reason why, other things being equal, the European makes a better District Officer than the Indian is that the District Officer is inundated with applications by residents in the district asking him to give vacant posts to their sons or nephews. Outside the official sphere the social intercourse of the European District Officer is confined to his fellow countrymen and brother officials, whereas the Indian would probably have many friends among the Indian residents, at any rate after he had been some time in the district; he would also have friends and relatives in other districts; most of these would have sons, etc. for whom they wanted posts and would put pressure on him to appoint them, irrespective of their qualifications. I, as a European, found it unpleasant to refuse to give appointments to the sons of very worthy men who used to visit me, on the ground that there were candidates in the field having better qualifications. The Indian who resisted such applications would have to be a superman. Thus the replacement of European by Indian District Officers will tend to lower the efficiency of the administration, and this will affect the revenue.

I have deemed it necessary to go into the above details in order the more to emphasise the all-important fact that the proposed Constitution will not only in-

7<sup>o</sup> November, 1933.]

[Continued.]

crease expenditure but at the same time entail a fall in revenue, and therefore is to be condemned on financial grounds.

Obviously it is impossible to forecast the amount of the fall in revenue, except that it is likely to be considerable—a matter of crores of rupees for the whole of India. Only experience will reveal the extent of this fall.

This is a most cogent reason for going slowly in introducing constitutional changes. The handing over the reserved subjects in the Provinces to Ministers would be a leap in the dark. If, therefore, the proposed constitutional reforms are going to be pushed through, regardless of their costliness and the burden they will impose on the Indian taxpayer, common prudence dictates that the change should be effected piecemeal and gradually. If, as an experiment—as a feeler—complete autonomy were introduced into one Province and the effects of this carefully watched, Parliament would at the end of 12 months or so be in a position to decide whether the experiment should be extended.

#### *Ways and Means.*

It is necessary to consider ways and means, how this extra cost of administration under the proposed reforms can be met in view of the revenue figures.

As the changes recommended in the Simon Commission Report would, if adopted, mean additional expenditure, Sir A. W. Layton enquired into the subject of finance and his report forms Part VIII of vol. 2 of the Simon Commission's Report and is very helpful, although, in my opinion, perhaps too optimistic.

The largest Head of revenue is Customs; the figures are given in the Table below.—

Year.	Revenue in Rupees.
1927-28 ... ..	46,63,50,000
1929-30 ... ..	51,22,50,000
1930-31 ... ..	46,80,80,000
1931-32 ... ..	46,22,55,000
1932-33 (revised) ...	52,28,55,000
1933-34 (budget) ...	51,24,55,000

When Layton reported, the Customs revenue had been rising steadily and he put himself the question: Can we assume that this rise will continue? He pointed out that India had been of late singularly free from monsoon failures, and he thought that there might be set-backs,

but he estimated (p. 252) a steady expansion of about  $\frac{3}{4}$  crores a year in the Customs receipts, with the qualification that his estimate was contingent on fiscal policy. He was of opinion that the then customs tariff, i.e., 15 per cent. standard rate with higher duties on luxury articles was already high for an agricultural country and should not be raised. In fact it has since been raised to 25 per cent., and the revenue in 1933-34 is likely to be little, if any, higher than in 1929-30.

I find it difficult to believe that the Customs revenue would have been higher had not the duty been raised, and in any case this is not a source that can be relied upon to contribute much towards the additional cost of the new Constitution. As Europeans, other things being equal, use more European articles than Indians do, the exodus of numbers of Europeans must tend to diminish the customs revenue. Any laxity in supervision will lead to loss owing to dishonesty of subordinate officials. Air transport may conceivably lead to extensive evasion. A "don't buy foreign goods" campaign, accompanied by the picketing of shops, might cause the revenue from this head to fall greatly. Indeed, the fact that Customs duties yield  $\frac{5}{8}$ ths of the revenue of the Central Government is in my opinion one of the weakest points in the proposed constitution from the financial point of view. As the White Paper proposals do not seem to be acceptable to Congress, if they be given effect to that body might be able to cripple the Central Government financially by a boycott of foreign goods.

The next most important source of Central revenue is Income Tax. The yields from this are:—

Year.	Revenue in Rupees.
1927-28 ... ..	15,64,62,000
1928-29 ... ..	17,05,70,000
1929-30 ... ..	16,60,00,000
1930-31 ... ..	16,31,00,000
1931-32 ... ..	17,30,49,000
1932-33 (revised) ...	17,70,00,000
1933-34 (budget) ...	18,23,00,000

It will be seen that the yield has increased and appears to be increasing under the higher rate imposed in 1931-32.

Doubtless extra revenue from this source would be obtainable by raising the present rate, but it may be doubted whether the increase would be very considerable. And we must also bear in

7<sup>o</sup> Novembris, 1933.]

[Continued.]

mind that it is largely dependent on good trade and settled conditions, and the proposed change in the constitution may, for a time at any rate, lead to unsettled conditions and indifferent trade. Further, Income Tax receipts may be greatly affected by lax supervision of subordinate officials. Moreover, the higher the rate the greater the inducement to evasion.

Layton suggested that the rate of this tax should be raised and extended to smaller incomes. Both these recommendations have been adopted.

Layton also suggested that the Income Tax should be extended to agricultural incomes, and believed that by this means an extra Rs.5 crores could be raised. On the other hand the estimates of the authorities consulted by the Bengal Government varied from 1 to 3 crores.

The recent fall in agricultural prices has hit the agricultural population hard, and the fact that the United Provinces has found it necessary to reduce their land revenue demand by 110 lakhs a year indicates that the present is not the time to impose a tax on agricultural incomes. Finally, the chances of a Legislature composed largely of representatives of agricultural communities taxing agricultural incomes appear to be *nil*.

The tax on salt is now 1 rupee 112 annas a maund, it has been as high as Rs.2½. The doubling of the rate of this tax would of course yield a large sum. I have not the figures showing the effect of the doubling of the salt tax for the year 1922-23.

This exhausts the possibilities of taxation at the Centre. It seems to me that only by increasing taxation to a most oppressive extent would it be possible to raise sufficient income to meet the demands on Federal exchequer for recurring charges under the proposed constitution, and even so the revenue would be sufficient only if trade were good and the efficiency of supervision were not diminished to any great extent, and, of course, all parties operated to make the new regime a success. Granting such conditions, the Federal Government would still probably find itself in dire straits in the event of a succession of poor monsoons. This is a matter which, in my opinion, requires very careful investigation before any changes are made in the Indian constitution. In my opinion the idea that the Federal Government will be able in a few years to hand over the proceeds of the income tax to the provinces is a mistaken one.

In the revised estimates for 1932-33, only 7 of the 1,770 lakhs of the income tax yield are allotted to the provinces.

As to the Provinces, the land revenue is their main source of revenue, and it is doubtful whether in those in which the land revenue is periodically settled there will be any appreciable increase for many years. The annulment of the Permanent Settlement in Bengal and other areas where this exists, would doubtless result in a higher yield from land revenue, but such annulment would be a breach of contract on the part of the Government. Another possibility of raising a certain amount of extra revenue would be to raise the local cess on land. The revenue on excise as we have seen, is falling and is likely to continue to fall. It may be doubted whether any further raising of the rates of stamp and registration duties would lead to any great increase of income. Heavy initial outlay would, I think, result in a few years in an increase of revenue from forests.

The only other taxes that have so far been suggested are death duties, taxation of tobacco and *pan* (betel), an excise on matches, and a terminal tax.

*Prima facie* death duties seem ill adapted to a country in which there are many joint families of which each member is entitled only to maintenance. There would not seem to be much to tax on a death in such a family, and it would not be advisable for India to adopt the bad habit of many Western nations of using capital as revenue by the imposition of such a tax.

Layton estimated that an excise on matches and tobacco would yield Rs.7 or 8 crores after 10 years, and that the immediate yield from the former would be 3 crores. The Bihar Government assert that this last figure would be reached only if the retail price of matches were doubled. They would reduce Layton's estimate of the yield of these suggested taxes by 30 per cent. The proposed excises would yield very little unless they were extended to the Native States. The collection of the tobacco tax would be difficult, if possible, in some provinces, but I read in their Annual Administration Report for 1930-1 that the Government of Bihar and Orissa are exploring the possibilities of such a tax.

Layton also proposed a terminal tax, i.e. a tax on all commodities levied at every railway station. He estimated that such a tax would yield at least Rs.6 crores and might bring in 10 crores.



7<sup>o</sup> Novembris, 1933.]

[Continued.]

One great objection to this tax is that in many Municipalities it already exists and forms their main source of revenue. The tax would probably have an adverse effect on railway receipts.

From the foregoing it will be apparent that the possibilities of the expansion of the Provincial sources of revenue are very limited.

Most of the Provincial Governments have been in such financial difficulties of recent years that it may be taken that most possibilities of increasing their revenue have been considered. The Government of the Central Provinces state in their annual report that in June, 1930, a committee composed of members of Government and the legislative council was appointed to overhaul the whole financial machinery and advise Government as to the steps which should be taken to balance its budget. We are told (page 2): "The Committee reviewed in detail every item of revenue and expenditure and though no new means were discovered of adding to the former, its recommendations enabled Government to effect drastic economies in the latter and to adopt measures which, as time goes on and full effect is given to them, will result in a much reduced standard of expenditure under all heads of administration. The adoption of this standard means the sacrifice in great part of the standard which has been accepted hitherto as necessary to secure efficient and impartial administration. Whether the new standard will achieve the same object must be left to time to show."

A perusal of the latest Administration Reports available makes it clear that India's crying need is for a form of Government less costly than the existing one. Taxation has been increased in all directions, and, to use the words of the Punjab Government, "sternest retrenchments" have been made in all departments; nevertheless the expenditure of most of the Provinces in 1932-33 exceed their income.

In my opinion a less opportune time for inaugurating a more costly system of Government could not have been hit upon. To launch the new Governments, Federal and Provincial, in existing conditions seems to me to be on a par with ship owners sending a fleet of over-loaded unseaworthy ships on a long voyage over tempestuous seas.

In my opinion a very grave objection to any sudden great change in the Indian Constitution is the prejudicial

effect this would have on the credit of India.

The Government of India has borrowed large sums of money in order to construct railways and canals and for other purposes; about half this has been obtained from England for the excellent reason that money can be borrowed there at a lower rate of interest than in India.

So long as the finances of India are entirely controlled by the British Parliament the credit of India is almost as good as that of Great Britain. In consequence, some Indian loans bear interest as low as 2½ per cent. per annum.

According to Whitaker on March 31st, 1913, the debt of the Government of India was £179,179,000 in sterling and £95,224,000 in rupees at 1s. 4d. On March 31st, 1932, the debt was £379,000,000 in England and Rs.529.4 crores (£397,000,000) in India.

But for the Government of India, owing to British control, being able to obtain all this cheap money in England the Indian systems of railways and canals could not have reached their present dimensions. Nor is the financial benefit of India's association with England confined to the procuring of cheap money in England. Other advantages derived from this connection are:

(1) the ability to raise loans in India at a rate of interest much lower than that for ordinary business loans;

(2) the use of currency notes to the face value of about 100 crores over and above the gold and silver backing. This is virtually an interest-free loan;

(3) the use of money deposited in Post Office Savings Banks and invested in Cash Certificates on which only a low rate of interest is paid.

Now, no matter how much it desires to do so, the British Government cannot transfer its credit to a Government controlled by Indians. Credit, like personal reputation, cannot be passed on.

Any new Government in India, not under British control, will have to build up its own financial reputation, its credit. This may be a slow process. As the changes proposed in the White Paper will involve great initial outlay for which no funds seem to be available, presumably considerable sums will have to be raised by loans. Will it be possible to obtain these loans at the present rate of interest paid by the Government of



7<sup>o</sup> Novembris, 1933.]

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India? This will depend entirely on the value the public places on the financial safeguards in the White Paper. It seems to me that if the Governor-General has to exercise any of these safeguards they will not be safeguards at all unless there is available a very large sum of money on which he can draw and pay any sums due by the Federal Government which it cannot or will not pay. Let us suppose that the Customs revenue of the Government of India does not come in well, owing to a Congress boycott or any other cause, and a large sum of money has to be paid, let us say at Calcutta, on account of interest due on a Government loan. The official who has to make the payment finds that the funds in his hands are not nearly sufficient to meet the payment. He applies to higher authority to be put in funds, that authority says none are available. The officer in question would then inform the Governor-General that he could not meet the interest demand. What could the Governor-General do in order to have the interest paid on due date unless he had so under his control some fund from which to meet the demand?

The prudent investor who is invited to subscribe to a loan raised in order to inaugurate the new Government of India, is likely to want to know exactly how such a contingency as the above will be dealt with before he decides to take up any of the loan. If he be not satisfied he may refuse to invest, or if only partially satisfied he may demand a higher rate of interest as a return for the risk he runs of default or delay in the payment of interest. Or it may be that the whole of this new loan will have to be raised in India at a still higher rate of interest. The higher the interest the greater the burden on the Indian taxpayer.

Then there is the existing interest-bearing debt of India. Much of this is in sterling at low rates of interest such as  $2\frac{1}{2}$ , 3 and  $3\frac{1}{2}$  per cent. This money was lent to the Government of India with the knowledge that it was under British control and with no prospect of this control being withdrawn. The White Paper proposals mean, if not the actual handing over of this control, the weakening of it. In other words, the nature of the security on the strength of which the money was lent will be changed. In common justice, then, such investors should be given an opportunity of taking back their money before the inauguration of the new Constitution. As many

are likely to avail themselves of this offer, this would mean the raising of a fresh loan, even if this were possible, unless sponsors of the White Paper were to come forward and lend money at  $2\frac{1}{2}$ , 3 and  $3\frac{1}{2}$  per cent., the interest to be paid by India would be higher than the present rate and thus further increase the burden on the Indian taxpayer. Parliament stands in the position of a trustee, both for the people who have lent this money and for the Indian taxpayer. If then the White Paper proposals be accepted, unless some good people come forward and put up the new money required at the old rate of interest, Parliament will have no alternative other than to treat badly one or other of the two classes of people for whom it is trustee.

Either it will force the Indians to pay more taxes, or do an act which may well cause loss to the holders of stock. India will, I believe, have the greatest difficulty in making both ends meet under the constitution, nay, will almost certainly not be able to meet all financial obligations. If anyone thinks I have gone too far in making this assertion let him show me the budget estimates of the Federal and the Provincial Governments for their first financial year. Should these indicate that my assertion is not justified, I will gladly withdraw it. Encumbered by such financial difficulties as India is likely to be, it would not be surprising if the Federal Government were unable or refused to meet its interest obligations.

We have now to consider the case of the pensioners of the Governments in India. These pensioners entered into a covenant with the Secretary of State for India, or with the British Raj in India to serve in India on certain conditions, one of which was that they were to obtain a pension after a fixed term of approved service. These entered into these engagements under the impression that their pensions were as safe as the British Government. They have kept their part of the contract and I have no hesitation in saying that it is morally, if not legally incumbent upon Parliament to see that nothing that Parliament does will result in any of these people losing their pensions. The White Paper proposals, in the opinion of many, are such that the new Governments may not be in a position to pay these pensions on account of the costly new Constitution. Therefore it is incumbent upon Parliament before the inauguration of the proposed Constitution, to make some arrangement to secure these pensions, which amount to

7<sup>o</sup> Novembris, 1933.]

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about Rs.675,00,000 a year. The capitalised value of these pensions would be about £50,000,000. This sum should be placed in the hands of the Secretary of State for India by the Government of India in return for his undertaking to see that all future pension payments are made to the persons affected.

Then the Government of India is considerably in debt to the subscribers of the various Indian family pension funds and the railway and other provident funds. These funds have been subscribed by the Government services in order to provide for their widows and families. The subscriptions have been made compulsorily by deductions from pay. They are at present mixed with the balances of the Government of India, but accounts are kept and interest is allowed on the balance at the credit of each Fund and paid into the Fund, from which pensions to widows and children are met. The amount in the hands of the Government of India held on behalf of the Indian Military Family Pension Fund, is about \$6½ million, and that on behalf of the I.C.S. Family Pension Fund about £4 million sterling. There are also other smaller Funds. The owners of these Funds have been asked what they wish to be done with the money when the new constitution becomes operative, the words used in the letter to the I.C.S. are "the impending constitutional changes in India." The subscribers will probably insist on this money being sent to England. This will entail a loan on which India will have to pay interest, whereas at present the annual income received by the Government of India on account of these funds is some hundreds of thousands of pounds in excess of the expenditure. This applies equally to the provident funds.

Part of the annuity paid to retired members of the I.C.S. is on a par with family pension money because from the salaries of these officials a deduction of 4 per cent. was made as a contribution to their annuity of £1,000 a year. This 4 per cent. contribution, paid since 1919, is to be returned with interest on retirement in addition to the £1,000 a year. But the annuities of all I.C.S. who entered service before 1919 have been in part contributed by them. This contribution in the case of those who have served their full time is estimated at about two-fifths of £1,000. Thus, unless all pensions be capitalised as suggested above a sum equal to the capital value of four-fifths of the I.C.S. pensions

should in equity be placed in the hands of the Secretary of State for India before the inauguration of the proposed Constitution.

Again, every Indian pensioner has the right to commute for a cash payment one-half of his pension. Hitherto few have availed themselves of this right. If the White Paper proposals go through probably most of the pensioners will do so in order to secure some pension in the event of the new Government of India being unable to meet its obligations, unless, of course, the capital value of these pensions be handed over to the Secretary of State for India.

The Government of India has heavy internal liabilities in the form of Cash Certificates and Post Office Savings Bank deposits, all of which are payable on demand. The amount in the P.O. Savings Bank in March, 1927, was Rs.257,000,000 and the value of Cash Certificates was about Rs.210,000,000.

The Government of India has also a liability in respect of about Rs.100 crores of currency notes in circulation over and above the backing in metals and securities.

The sudden transfer of the control of the Indian Administration to Indians will undoubtedly lead to heavy withdrawals from the Post Office Savings Bank and encashment of currency notes, if these last remain convertible.

I happen to have been Accountant-General and Commissioner of Paper Currency in Bombay in 1914 and from my experience there I am in a position to judge of the effect of giving up British control of the Indian Administration. From August 1st to August 4th, 1914, i.e. before war was actually declared, sovereigns to the value of £1,224,177 were withdrawn from the Currency Offices at Lahore and Karachi, although the 2nd was a Sunday and on the 3rd withdrawals on sums of less than £10,000 were prohibited. On the 5th, which was a Bank Holiday, further issues of sovereigns from Currency Offices were prohibited. This resulted in a rush to encash currency notes which lasted about 15 days in Bombay and two months in the Mofussil. For a few days many people even in Bombay were willing to accept Rs.9-12 for a Rs.10 note. The Victoria Terminus was crowded with people asking for third-class tickets to Masjid Station—fare 6 pies—and tendering Rs.10 notes in payment. Most of these people did not use their railway tickets. They purchased them merely

7<sup>th</sup> Novembris, 1933.]

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with the object of encashing a Rs.10 note more cheaply than in a shop. In the Mofussil the rates charged by Banias and Marwaries, for cashing currency notes, whilst the panic lasted, varied from 2 annas per cent. at Surat to Rs.2 at Hyderabad Sind. The panic was largely due to the machinations of these gentry who gave it out that the war would cause a depreciation in the value of currency notes. Some persons sent money orders to themselves paying for these in notes and demanding repayment in coin. The panic was checked by the Collectors issuing proclamations by beat of drum that notes would be cashed at full value at any treasury or sub-treasury.

At that time Cash Certificates were not in existence, but there were heavy withdrawals from the Post Office Savings Banks. The amount withdrawn in the Bombay Presidency alone from August to October, 1914, amounted to about Rs.286 lakhs. Similar events occurred in the other Provinces.

When War broke out there were immense stocks of rupees in the Currency Offices and Treasuries in India, so that these were able to meet all demands for coin. When day by day applicants found that rupees were readily paid out the panic gradually subsided.

The introduction of the Federal Government will offer a grand opportunity to those moneylenders, who are not alarmed at the change, to make money. They will almost certainly give out that the New Government will refuse to give coin in exchange for currency notes, and that it may not be able to repay deposits in the P.O. Savings Bank or to encash War Certificates as these mature, and so cause a panic such as that which arose in 1914, and it may well be that the District Officers, many of whom themselves will be very nervous of the financial outcome of the Constitutional changes, may not be able to stay the panic. It may be said that there will be a long notice of the introduction of the new constitution, so that the conditions then will not resemble those in 1914. This is to some extent true. There probably will not be the sudden rush, but there can be no doubt that the effect of the Sahib's handing over control to Indians will be freely discussed in its financial aspects in the towns and villages, and the prudent man will reason thus with himself: "I have placed my money with the Government. There is going to be a change of Govern-

ment. If I take my money out before the change and bury it, I shall lose a small sum in interest but my capital will be safe. Should the new Government get along well I can at any time redeposit or invest my money. If I leave it with Government and anything goes wrong I may lose everything. I will therefore take my money out and await developments." For these reasons there is likely to be a great demand for silver in exchange for Currency Notes and a heavy encashment of Cash Certificates and withdrawals from the P.O. Savings Bank before the inauguration of the proposed Federal Government. Presumably the Reserve Bank mentioned in the White Paper is to be instituted in order, *inter alia*, to cope with the demand for coin in exchange for notes. If it is to maintain the convertibility of currency notes, it will require a balance of many crores or to have the money available at call. So far as I can see the only way in which to meet the P.O. Savings Bank withdrawals and the encashment of Cash Certificates will be to have available another large sum of money to serve this purpose. Where is this money to come from?

The White Paper proposals affect directly the welfare of over 350 million people in India and indirectly that of the whole population of the United Kingdom. This being so I respectfully submit that on Parliament lies the grave responsibility of deciding whether those proposals will leave it possible for the Indian Governments on the one hand and the Secretary of State on the other to fulfil their financial and other obligations.

I submit that the facts, figures and estimates set forth above, vague though the last be, because I have seen no official estimates, are sufficient to give some weight to my very earnest request (made on behalf of the people of India among whom I have lived for many years and have made many friends) that your Committee, before making any recommendations regarding constitutional changes in India, obtain the information asked for in my letter to you, dated 30-5-1933, and have the figures most carefully examined and reported on by financial experts acquainted with conditions in India.

I make bold to predict that the report of such experts will not be favourable.

It has been said that the present administration in India cannot remain as it is and that those who do not agree with the White Paper proposals have no

7<sup>o</sup> Novembris, 1933.]

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alternative to offer. May I say that from the financial point of view the alternative is clearly to introduce a less costly rather than a more costly administration than the present, and it should not be beyond the capacity of statesmanship to devise measures that will at the same time give

to India material advance in self-government. In other words, I am unable to understand why the advance of India to self-government as contemplated in the Act of 1919 would necessitate a greatly increased cost of administration.

#### MEMORANDUM 76 (SUPPLEMENTARY) BY DOUGLAS DEWAR.

I desire to submit the following observations on the estimates of the Secretary of State for India in Record of the Joint Committee No. 3 and those of Sir Malcolm Hailey in Record No. 1, which have been published since I forwarded in June the précis of my evidence.

##### *Extra Cost of the New Constitution.*

##### *Cost of New and Enlarged Machinery.*

Sir Malcolm Hailey estimates this at about Rs.5 crores (p. 8 and p. 20).

The Secretary of State, who gives a few details, puts the figure at Rs.25 crores, but the latter allows nothing for the cost of the Supreme Court, or for enhanced pension payments in consequence of the premature retirement of officers on account of the new Constitution, or for the increased cost of audit and accounting that will have to be incurred in order to avoid increased loss of revenue from defalcations, etc. In this connection I beg leave to quote the following from page 92 of the Annual Administration Report of the Government of the Punjab for 1930-31: "The temporary appointment of two auditors to enquire into the extent of the leakage of stamp revenue produced such satisfactory results that the appointments have been continued and the system extended."

The Secretary of State provides Rs.2.25 lakhs per annum for interest charges on the capital cost of new buildings, etc. Will this suffice to cover both interest on capital and maintenance and renewal charges?

He puts the capital cost at Rs.54 lakhs for the provinces, but makes no allowance for the capital cost of new buildings, such as court houses for the Supreme and Federal courts, although allowance is made for "possible reconstruction of New Delhi for a summer session of the Legislature." The amount viz., Rs.7 lakhs, allowed for new buildings, etc., in Sind would appear to be very low. In this, as in other cases, no details are given. In view of the above

considerations, it seems highly improbable that the annual cost of the new machinery would be as low as Rs.2 crores.

Surrender of Revenue under the proposed Constitution.

Contributions of States ...	Rs.1 crore.
Loss of Currency receipts...	„1 „
Separation of Burma ..	„3 „

Should Burma remain attached to India there would still be a loss of about Rs.3 crores, because the temporary emergency surcharges of 25 per cent. are at present yielding about this amount of revenue in Burma. Sir Malcolm Hailey's estimate of the loss of revenue amounting to Rs.13 crores when the surcharges are withdrawn has apparently been made on the assumption that Burma will have been separated. With Burma joined to India the loss on this account would be nearly Rs.16 crores.

Sir Malcolm Hailey makes no allowance for any deterioration of the revenue at the centre or in the provinces in consequence of the administration being less efficient under the new Constitution than it is at present.

Assuming that there will be no such deterioration, the finding of an additional Rs.7 crores of revenue every year would not be a very heavy burden for a country of the size of India if, at the present time, the country were very lightly taxed and living on its revenues without the administration being stinted.

These conditions, however, are not being fulfilled.

Despite very heavy taxation India is living above its income and will in time become insolvent unless either its revenues increase or its expenditure decreases. On 6th July, the Secretary of State said to the Joint Committee: "if the state of the world does not get better, if we still go on with commodity prices either at their present level or actually falling, not only does it make any change almost impossible but it makes the existing system of Indian finances almost equally impossible."

7<sup>o</sup> November, 1933 ]

[Continued.]

In my humble opinion the condition of the finances of India is such that, whether commodity prices rise or fall, it is essential for the welfare of the people that the costs of administering the country be lowered by replacing the present form of government by a less costly one.

The financial condition of India becomes apparent on examining (1) the debt of the Government of India and the Provincial Government, and (2) their present budgetary position.

#### Debt.

*Provincial.*—The indebtedness of the Provinces in the form of loans raised in the open market appears to amount to about Rs.18 crores. As such debt has been incurred for productive purposes it need not be here considered, but it should be noted that the Government of the United Provinces has applied nearly Rs.2 crores of its 6 per cent. loan to meet current expenses of administration which properly should have been met from revenue.

A very serious matter is the extent to which the Provincial Governments have borrowed from the Government of India in order to balance their budgets. At the time of the Montagu-Chelmsford reforms the Provincial debt amounted to Rs.63.09 crores, all of which was incurred for productive irrigation works. By 31st March, 1933, this debt had risen to Rs.171.79 crores, of which about 31 crores has been borrowed in order to enable the Provinces to meet current unproductive expenditure.

The recently published Report on the Working of the Provincial Loans Account for 1931-32 shows that the Governments of Bombay, Bengal, the Punjab, the Central Provinces and Assam have failed to comply with the terms for the repayment of certain advances made to them to cover their overdrafts. Also that in view, *inter alia*, of "the unsatisfactory state of the provincial finances" they have been permitted to repay as much of these advances as their financial position may admit during the years 1932-33 and 1933-34, the outstanding balances then being funded.

As regards the other Provincial Governments. The Government of the United Provinces began its career as a separate entity under the Montagu-Chelmsford reforms in 1921-22 with an opening balance of Rs.88,87,000, and despite its having appropriated to ordinary current expenditure from its 6 per cent. Develop-

ment Loan Rs.1,86,63,000 and from the Famine Insurance Fund Rs.84,69,00, it has now a deficit of Rs.1,74,21,000. In other words since the inauguration of the Reforms its expenditure has exceeded its revenue by Rs.4,66,40,000 despite having on at least two occasions increased taxation, and, of late years, having reduced its expenditure on roads, etc., to an absolute minimum, so that to-day no less than 42 per cent. of its expenditure on Public Works goes to Establishment charges.

The Government of Bihar and Orissa has managed to pay its way hitherto, because, in its own words, "it has preferred to forgo much of the development possible in richer provinces rather than place itself in an unsound financial position. But this cannot go on indefinitely . . . and unless new sources of revenue can be found there is likely to be a marked retrogression in the standard of administration, which is already cut as fine as it can be." Apart from the newly formed N.W.F. Province, Madras is the only one at present which is not in financial difficulties.

*Government of India.* We have seen that in April, 1932, the interest-bearing obligations of the Government of India exceeded interest-bearing assets by £162 million. On 1st April, 1933, the excess was £183 million.

The total interest-bearing obligations of the Government of India rose from Rs.881.74 crores in April, 1923, to Rs.1212.48 in 1933; in the same period the interest-bearing assets rose from Rs.663.04 to Rs.963.87 crores. These figures show that the Government of India has increased its debt considerably in order to lend money at interest to the Provinces, Railways and Postal Department. Thus the financial position of the Government of India is largely dependent on that of its debtors. We have considered that of the Provinces, to which the Government of India has advanced Rs.172 crores.

The railways owe the Government of India Rs.752 crores. Hitherto they have paid their interest charges punctually, but not wholly out of current profits, having drawn on their reserves to the extent of about Rs.30 crores in the last three years. This cannot go on indefinitely. Unless their financial condition improves the railways will fall into arrears with their interest payments, as the Posts and Telegraph Department has done. This Department, which has bor-

7<sup>o</sup> Novembris, 1933.]

[Continued.]

rowed about Rs.20 crores, has been working at a loss since 1927. The interest due to the Government of India is shown as paid in the accounts but this has resulted in a loss on working of Rs.4.37 crores since 1928. In reply to Major Attlee the Secretary of State said that India has repaid £84 million of the £100 million contributed towards the War. This seems to have been accomplished by appropriating to that purpose all the sums provided in the budget under the head "Avoidance and Payment of Debt."

Meanwhile, however, there has been fresh borrowing for non-productive purposes. On March 31st, 1914, India's unproductive debt was £13. If we add £100 million for War debt, and subtract £84 million which has been repaid, the remainder is £29 million. But India's unproductive debt on March 31st, 1933, was £183.

Thus, while paying off £84 million India has borrowed £154 million for unproductive purposes. I fail to see that this is a matter that should excite admiration.

The Secretary of State for India agreed with Major Attlee that the unproductive debt of India is relatively very small and a very exceptional state of affairs. Is this the case? Let us compare India's indebtedness with that of her nearest neighbours that publish figures, namely, Persia and Siam.

Country.	Revenue in millions of pounds.		Debt.
India ...	155	183	(unproductive).
Persia ...	6.7	1.6	(foreign).
Siam ...	9	11	(total).

India's unproductive debt before the War was £13 million; it is now £183 million, assuming that £100 is due to the war, we have an increase of £70 million, i.e., over 500 per cent.

England's debt before the War was £706 million; it is now £7,648; of this some £6,800 is due to the War, deducting this we have an increase of £142 or a 20 per cent. increase. Thus since the War India's unproductive debt has increased 25 times more rapidly than that of England.

To a poor country like India £183 million means far more than it does to England. In the plains of the United Provinces many an agricultural labourer keeps himself and his family on a wage of Rs.8 per mensem or 3 shillings a week. The lowest wage given in the

English Mills at Cawnpore is Rs.16 per mensem; in Indian mills I believe the wage is lower. In some District Boards the lowest paid clerks receive only Rs 15 per mensem. In order to compare Indian rates of wages with those in England it is necessary to multiply the former by some factor in the vicinity of 15. If we multiply 183 by 15 we arrive at the figure 2,745. Thus to compare India's unproductive debt with that of England we should deem it to be about £2,745 million or nearly four times as great as that of England before the War.

#### Budgetary Position.

##### Provincial Governments.

The following shows for these Governments collectively the extent to which their expenditure exceeds their revenue.

Year.	Amount in crores of rupees by which expenditure exceeded Revenue.
1930-31 ... ..	4.9
1931-32 ... ..	4.2
1932-33 ... ..	1.8
1933-34 (budget estimate)	2.5

The figures for the last three years include savings from the cut in the pay of all Government Servants, which reduced the expenditure by about Re.1 crore in 1931-32, 3 crores in the following year and 1.5 in 1933-34.

Thus, despite these cuts in pay, additional taxation, drastic economies in all directions and curtailing expenditure on the upkeep of roads and buildings, the Provinces, as a whole, are living considerably above their income. They all assert that they have reached the limits of their taxable capacity, so that unless Death Duties be imposed and the capital thus levied be applied to current expenditure, the Provinces will, unless they are to go bankrupt have to be helped by revenue which at present goes to the Government of India. Sir Malcolm Hailey has made this clear in his memorandum.

##### The Central Government.

The following shows the surplus or deficit of the Central Government:—

Year.	Surplus or deficit in crores of rupees.
1930-31 ... ..	-11.6
1931-32 ... ..	-13.7
1932-33 ... ..	+ 2.7
1933-34 budget ...	+ 2.5



7<sup>o</sup> Novembris, 1933 ]

[Continued.]

At first sight the fact that there was a slight surplus last year and one is expected next year seems satisfactory, and the Secretary of State expressed satisfaction, especially as the figures include each year a provision of Rs.6.84 crores for reduction of debt.

A scrutiny of the details, however, puts a very different complexion on the matter. On the revenue side of the 1932-33 budget we find (1) Rs.9.34 crores were withdrawn from the Railway Depreciation Fund to enable the railways to pay interest due from them to the Government of India. (2) Rs.1.15 crores were received on account of salt revenue which would not have been payable until 1933-34 but for the abolition of the credit system. (3) Of the total receipts Rs.18 crores represent the proceeds of the emergency surcharges of 25 per cent. imposed in 1931 on all taxes except export duties.

On the expenditure side of the 1932-33 budget we find (1) a savings of about Rs.5 crores on account of a 10 per cent. cut on all salaries, which is virtually a breach of contract. (2) The expenditure of Rs.46.76 crores on Defence Services is more than Rs.8 crores less than the sum declared by the Government in 1928 to be the minimum for the maintenance of an efficient army. Part of this reduction represents the cut in pay of the officers and a fall in prices of military stores. Taking these facts into consideration, the expenditure of Defence last year seems to have been about Rs.6 crores below the limit of safety. Moreover, severe retrenchments have been made in most branches of the administration.

As regards the budget for 1933-34, the revenue will still be swollen by the 25 per cent. surcharge and it is estimated that Rs.7.7 crores will have to be withdrawn from the Railway Depreciation Fund to meet interest payments; at the same time all new railway development is suspended. The Defence expenditure will be on the same low scale as in last year, and the expenditure on salaries will be Rs.2.5 crores below the normal scale on account of a 5 per cent. cut in all salaries.

Both the Secretary of State and Sir Malcolm Hailey admit that India will not be able to undertake any additional expense on the administration until the various Governments are in a position to frame normal budgets, that is to abolish the emergency tax surcharges and incur

the expenditure necessary to administer the country properly.

Loss of revenue when the emergency surcharges are withdrawn.

Sir Malcolm Hailey estimates this at about Rs.13 crores a year. The loss on the basis of the 1933-34 revenue figures would be Rs.15.9, but if Burma be separated the loss will be about Rs.13 crores.

Additional expenditure that will be incurred when normal budgets are framed.

Sir Malcolm Hailey estimates this at Rs.4 crores over the 1933-34 budget on account of the restoration of the 5 per cent. cut in pay of all the Military and Civil and Railway Officers, Imperial and Provincial.

There is, however, other expenditure of which he makes no mention, viz., that on Defence Services and on the ordinary administration.

*Defence Services.*—I have already commented on the manner in which these are being starved. In this connection the Memo. attached to the 1933-34 budget says: "The figures of reduction in expenditure include about a crore of rupees due to the fall in commodity prices below the level of 1928-29; so that if prices rise again towards that level, so will the Defence budget automatically rise. Moreover, certain of the retrenchment measures . . . have the effect of reducing current expenditure on stores by diminishing the quantities held in stock. This process obviously cannot be continuous, and when surpluses have been consumed current expenditure is bound to rise again. Finally, part of the reduction has been secured by the postponement of building and other programmes . . . Commitments of this kind cannot be indefinitely postponed, for experience has shown that the accumulation of commitments is merely laying up trouble for the future." In view of these considerations the additional annual cost of Defence when normal budgets are resumed cannot well be less than Rs.4 crores.

*Civil Charges at the Centre.*—Owing to financial stringency it would seem that necessary expenditure which is ordinarily paid out of current revenue is either being postponed or charged to capital account. In 1927-28 Rs.39 lakhs were spent from current revenue on capital outlay on Forests and Salt works; in 1931-32 and 1932-33 such expenditure amounted to Rs.13 and Rs.10 lakhs.



7<sup>o</sup> Novembris, 1933 ]

[Continued.]

In the course of his budget speech in 1930 Sir George Schuster said, "I doubt whether it is adequately realised to what an extent the gradual development of the present form of constitution has increased work on the shoulders of the Central Government, and I do not think it is an exaggeration to say that there is not a single Department in the Government of India in which those occupying the higher appointments are not at present overworked. Indeed I think it is far more likely that as representative institutions grow and the Sessions of the Legislative Assembly become longer it will be necessary to divide up some of the existing Departments and create new appointments for representation in this Assembly." Nevertheless, the expenditure under the head Civil Administration has been reduced from Rs.13.34 crores in 1930-31 to Rs.9.59 crores in 1933-34. About Rs.1.4 crores of this reduction is due to the temporary cuts in pay and the separation of the N.W.F. Province. Allowing for this, the reduction is Rs.2.3 crores or 20 per cent. Assuming that half this reduction can be continued indefinitely without impairing the efficiency of the administration, the extra cost of Civil Administration in the normal budget will be over Rs.1 crore, and that of the Forest, Salt and Irrigation Departments nearly 30 lakhs, say, Rs.1.5 crores in all.

#### *Civil Charges in the Provinces.*

A perusal of the Annual Administration Reports of most of the Provinces conveys some idea of the extent to which the administration is being starved. The Government of the C.P. state that the economies they have had to adopt "mean the sacrifice in great part of the standard which has been accepted hitherto as necessary in order to secure an efficient and impartial administration. Whether the new standard will achieve the same object must be left to time to show."

Some idea of the extent to which the economy campaign is carried may be gathered that the Government of the United Provinces in order to save expense has not printed the report of the Committee appointed to enquire into the conduct of the Benares Municipal Board. He who wishes to study that document has either to repair to the Secretariat or pay to have a copy made.

The following figures speak for themselves:

Head of Expenditure.	Amounts, in crores of rupees, spent in the Provinces in the years	
	1927-28.	1932-33.
Public Health ...	168	138
Agriculture ...	214	194
Industries ...	71	65
Civil Works paid for out of revenue ...	943	615
Total	1,396	1,012

Under the above heads the expenditure in 1932-33 was nearly Rs.4 crores less than in 1927-28. Some of the reduction is accounted for by the cut in pay and the fall in prices. This means that the work has been carried out less expensively, but that will not happen when normal conditions return. The above figures show that in the Provinces last year work on roads, public buildings, etc., which would normally have been carried out and paid for out of current revenue at the cost of nearly 3½ crores have been left undone. Apart from leeway that ought to be made up it is difficult to believe that the Provinces can maintain themselves under normal conditions unless they spend annually an additional Rs.2.5 crores.

The Secretary of State for India seems to be of opinion that further retrenchments in the Provinces are possible. Would such retrenchments be true economy? Is it possible to reduce charges substantially without the loss of revenue involved exceeding the expenditure saved?

In 1931-32 the Bengal Government (1) reduced by 15 per cent. the pay of all officiating incumbents of offices and all new entrants, (2) reduced Travelling allowances and motor car and other conveyance allowances.

Further reductions are of course possible, but should such reductions render it difficult for Government Servants to maintain themselves and families the temptation to increase income by illegitimate means would be great. In any case discontented Government Servants are not conducive to high revenue returns.

The foregoing considerations indicate that the problem that would confront the Central Government in the event of effect being given to the White Paper proposals is to find Rs.19 crores of additional income every year after having reduced

7<sup>th</sup> November, 1933.]

[Continued.]

the existing rate of income tax, salt tax and import duties by 20 per cent. and postage rates by 33 per cent. involving a relinquishment of Rs.13 crores of revenue. Sir Malcolm Hailey states that an excise on matches would yield about Rs.2½ crores per annum. If such be imposed the remaining Rs.29½ crores would have to be derived from increased revenue owing to improved conditions.

The improbability that such betterment will be realised until many years shall have elapsed is indicated by the existence of certain factors tending to check an increase in revenue, viz., the growth of indigenous industries, the condition of the railways and the probable decrease in the efficiency of the administrative machinery.

The growth of indigenous industries. Sir Malcolm Hailey has made (p. 20) the entry "Decline in Customs . . . (?)."

Such a decline is probable, quite apart from any falling off in the efficiency of the Customs administration. In the memo. attached to the budget proposals for 1933-34 the following passage occurs: "It has been found necessary to allow for a reduction of about 1 crore in the customs revenue owing to the rapid increase which is taking place in the Indian production of sugar under the shelter of the protective duty."

The existing Indian tariff affords India a high measure of protection and is doubtless giving, at the consumers' expense, considerable impetus to Indian industrialism. The new indigenous industries which are arising, although a good thing for India, must affect adversely the Customs' revenue in the form of import duties. This should be partly counterbalanced by a higher income tax revenue and might be in part counterbalanced in some cases by an excise. But the net effect is likely to be a fall in Customs revenue. The Customs revenue would be even more adversely affected if the new Government sever the present link between the rupee and sterling, or open the Indian mints to the free coinage of silver. This would have the effect of enhancing greatly the price in India of all imported commodities and might result in the Customs revenue dwindling to a mere fraction of its present figure. In my opinion one of the weakest spots of the White Paper proposals from the financial point of view is that Customs would form the main source of the income of the Federal Government.

The Condition of the State Railways. Between 1924 and 1931 the railways contributed to the revenue nearly Rs.6 crores a year. Since then they have contributed nothing and have been working at a loss. The present economic slump is in part responsible for this, but only in part. The interest payable by the railways on their capital has increased from nearly Rs.24 crores in 1924 to nearly Rs.33 crores without any increase in the gross traffic receipts. The present interest charges are only Rs.6 crores less than the traffic receipts in the best year, viz., 1927-28. The total loss of the railways as the result of the last three years' working is Rs.23½ crores, despite the fact that the expenditure on replacements has been Rs.9 crores below the normal figure and the employees have during half the period been subjected to a 10 per cent. cut in pay. In order to meet the interest payments due to the Government of India during the past three years Rs.16 crores have been withdrawn from the Reserve Fund, of which the balance is now nil, and Rs.13½ from the Depreciation Fund. The balance of this last now amounts to Rs.13 crores.

This is the state of affairs notwithstanding recent increases in fares and rates. In view of the competition of motor vehicles, it is not improbable that in the future the State Railways will be a drain on the State instead of a revenue-yielding asset.

#### *Probable Decrease in the Efficiency of the Administration.*

To the facts I have already cited to show that Indranisation of the administration often entails decreased efficiency, I may add the poor percentage of collections of municipal dues and the large sums remitted as irrecoverable. Bihar and Orissa seem to be one of the worst provinces in this respect. For all the Municipalities the current demand on account of taxes for the year 1931-32 was Rs.29 lakhs, the amount in arrear was Rs.8 lakhs and during the year Rs.2 lakhs were written off as irrecoverable.

That economic depression is not the sole cause of these bad results is apparent from the following passages which occur in the Annual Review of the Administration of the Municipalities: "Patna city in the year following its supersession has decreased the percentage of its outstanding balances on current demand from 37 to 23 and the only reason while it still remains on the list

7<sup>o</sup> Novembris, 1933.]

[Continued.]

(of Boards of which the arrears are in excess of one-fifth of the demand) is the inevitable delay in realising arrears through the courts and the difficulties due to inaccurate and incorrect registers and defects of procedure on the part of the superseded Board."

"Remissions, as enquiries made during the year under review have amply proved, are made in many of the defaulting municipalities on the recommendation of the tax Daroga without even a petition from the rate-payer and without due verification of the facts.

Two other causes of the falling revenue may be mentioned, the communal question and the liability of acts of executive officers to criticism in the Legislative Assemblies. These are likely to be accentuated under the proposed Constitution.

*The Communal Question.*—This affects the revenue injuriously in two ways. First, the desire rapidly to Indianise the services may result in the employment of Indians in preference to Europeans having better qualifications. The promise of the Government to Indianise the services at a definite rate has resulted in the appointment of some persons not well qualified for their duties. For example, Mr. Hayman told the Legislative Assembly in 1931 that the Railway authorities had taken into the engineering department Indians lacking the qualifications previously insisted on.

Secondly, the desire to satisfy the minority communities. Various percentages of posts are allotted to members of these communities, irrespective of the relative qualifications of these. Thus in case of appointments filled by competitive examination it may happen that the candidate 50th in order of merit may be appointed in preference to 20 or 30 above him because he happens to belong to a minority community. In 1931 Sir James Crerar told the Legislative Assembly that unqualified Muslims were allowed to hold temporarily posts reserved for Muslims in the Government of India offices until qualified Muslims were available. Recently I saw a letter written by an Englishman in India to his father in which it was stated that in Local Boards in places where the Hindu-Muhammadan feeling ran high, posts had been filled by Indian Christians, or one post was held by two incumbents, a Hindu and a Muhammadan.

*Criticism by the Legislative Assembly.*—Such criticism, if reasonable and con-

finied to important matters, is doubtless salutary. At present however the most trivial acts are made the subjects of questions in the various Assemblies with the result that officials are needlessly harassed. Executive officials are already usually overworked; they often have to take action which is necessarily displeasing to some people, if they perform their duties faithfully. If an official is liable to be attacked in the Assembly for every such action, and has to send in a statement of reasons for his act, obviously he will be inclined to shirk his duty, take the line of least resistance, do as little as possible, overlook irregularities, refrain from taking disciplinary action, etc.

Before the introduction of the Montagu-Chelmsford reforms the aim of the average official used to be to administer his office or district as efficiently as possible, now the aim is rather to administer so as to avoid criticism in the Legislature. The less an official does the less the risk of such criticism.

In my opinion part of the recent fall in revenue is due to the lowering of the efficiency of the administration as the result of the Montagu-Chelmsford reforms. What this percentage is, it is obviously impossible to say. It is doubtless greater in some Departments than in others. The railways seem to have suffered considerably. The fact that every year more than two million people are caught travelling without tickets on the main Indian railways show that strict surveillance is necessary to maintain the revenue. Two or three years ago the Managing Director of the Bengal-Nagpur Railway said: "I am of opinion that the present meticulous control is largely due to politics and seriously affects the efficient working of the Indian railways, which should be operated entirely with the object of developing the trade of the country. I feel sure that the present system of control increases the cost of working, reduces the authority of the Agents, and restricts their initiative, and further impairs the loyalty of the employees to their railway."

The present tax revenue of India is about Rs.150 crores and the gross receipts of the State railways about Rs.86 crores. Should further lowering in the efficiency of the administration lead to a 5 per cent. reduction in revenue and railway receipts this would mean a loss of Rs.12 crores to the country.

7<sup>o</sup> November, 1933 ]

Mr. DOUGLAS DEWAR

[Continued.]

*Chairman.*] Before I invite my colleagues to put questions to you, Mr. Dewar, I wish to inform the Committee and the Indian Delegates that I have had an intimation from the Secretary of State that he proposes to provide the Committee with a Memorandum which I understand, is to deal with certain of the matters dealt with in Mr. Dewar's Memoranda, and which Memorandum the Secretary of State proposes to ask the Committee to make public. Unfortunately the Secretary of State is not able to be here. Perhaps Mr. Butler could give us some indication of how the position stands.

*Mr. Butler.*] My Lord Chairman, in view of the complicated nature of a great deal of these two memoranda we thought perhaps it might be helpful to the Committee were they to have a Memorandum dealing with many of the detailed points which arise in Mr. Dewar's submissions. I think perhaps the Committee may agree that it is very difficult to clear up some of these statistical points by the method of question and answer, and we hope that it may be valuable to the Committee to have a Memorandum such as you have described.

*Chairman.*

15,782. Do you desire to make any corrections or to say anything in extension of these Memoranda at this stage?—I should like, if I may, to bring up to date the figures given in my Memorandum No. 75, in regard to the amount in the Post Office Savings Bank and the outstanding cash certificates. I am afraid they were given from rather old information that I could get at the time, but I gave there the amount in the Savings Bank as Rs. 257,000,000. Now, on the 31st March, 1933, I see they had risen to Rs. 4,250 lakhs and the outstanding cash certificates had risen from Rs. 2,100 lakhs to Rs. 5,453 lakhs on 31st March, 1933.

15,783. Shall we make the appropriate corrections in your memoranda?—If you please, my Lord Chairman.

*Sir John Wardlaw-Milne.*

15,784. May I suggest that these are not corrections; they are additions?—Of course, the date would have to be altered if you alter the figures. I have given you 1927, it is now 1933; it is a substitution, I would prefer to say.

*Marquess of Lothian.*

15,785. Mr. Dewar, will you turn to your Memorandum 76: "In my humble

opinion the condition of the finances of India is such that, whether commodity prices rise or fall, it is essential for the welfare of the people that the cost of administering the country be lowered by replacing the present form of Government by a less costly one." Have you any suggestions as to what form of Government you have in mind when you say "a less costly one"?—Of course, that is a matter, I should say, for the statesman rather than the financier, but still we had a less costly form of government which acted very well until the Montagu-Chelmsford Reforms were instituted, and there is no reason that I can see personally why that should not go on being Indianised as rapidly as may be. That was an efficient and, in my opinion, inexpensive Government. The taxation was lower in 1914 than it had been in 1858.

15,786. You mean you would go back to the pre-Montagu-Chelmsford Constitution?—I do not say I would go back to it, but that is a suggestion and a feasible Constitution.

*Earl Winterton.*

15,787. Did you say you would not go back?—No; I only suggested it was a feasible Constitution. We know it has acted in the past, and we are not trying anything new; but I have already said I do not profess to be a statesman.

*Marquess of Lothian.*

15,788. You recommend it from what I may call the administrative point of view rather than the political point of view?—From the financial point of view I should say it is necessary to cut your coat according to your cloth.

*Earl Winterton.*

15,789. I still do not catch the witness's answer. Will you allow me to explain to you my difficulty. I understood you to say in the course of your answer "I did not say that I would not go back." Was that so? What did you say?—I did not say that I would offer this definitely as an alternative to the present proposal. But I said it would be a feasible Constitution which would cost far less than the proposed one.

*Lord Middleton.*

15,790. I understand the whole tenor of your memorandum is that such success as we have met with in looking after India has rested on light taxation. Is that so?—I would say that under light taxation India made wonderful progress.

7<sup>o</sup> Novembris, 1933.]

Mr. DOUGLAS DEWAR.

[Continued.]

15,791. You rather fear for the future if taxation is increased to any large extent?—I regard the present taxation as simply appalling.

15,792. But at present taxation has not fallen so heavily on agricultural India as on Urban India. Is that so? The income tax, for instance, does not fall on agricultural income?—That is so.

15,793. And the Settlement in Bengal and Bihar has not been tampered with?—No.

15,794. Is that right?—That is right.

15,795. Then supposing that, owing to greatly increased expenditure under Reforms, it were necessary to increase the burden of taxation on agricultural India, what would be your views on that? Would it be fraught with danger?—Knowing the condition of agriculturists in India it would be a most cruel thing to do, knowing how hard they find it to live. I have been a District Officer as well as having been in the Accounts Department, so I know from experience what a struggle these poor men have, to make both ends meet, and any taxation on them I should regard as a most cruel thing.

15,796. They are the majority of the population, are they not?—The vast majority.

15,797. In studying the history of India in the past would you agree with me that heavy taxation on the agricultural population has not met with success and that they have resisted it? Is that so?—I know that when the salt tax was put up there was a good deal of dissatisfaction, but I would not say they went so far as to resist it by force.

15,798. I am going back to the days before the advent of the British rule?—Before the advent of the British rule I think they had to send troops very often to collect the taxes. They lived in forts, and it depended more or less on the power and rapacity of the tax collector. That was the case before we took it over. When we took over Gorakhpur, I think there were 44 forts that were owned by Zamindars there, into which they used to withdraw themselves when the tax collector came along.

15,799. You do think increased taxation in India is a very dangerous thing?—Considering that they have no votes, any Constitution which imposes increased taxation on people who have no votes is not, in my opinion, desirable.

Lord Rankellour.] I find great difficulty in putting questions in detail to

Mr. Dewar, especially in view of the Memorandum that is about to be published. I do not know whether after that Memorandum has been circulated there will be an opportunity of seeing Mr. Dewar here again.

Chairman.] I can only say it is for the Committee to decide.

Lord Rankellour.

15,800. I want to put one or two general questions to Mr. Dewar. I take it your general position is that in India at present the expenditure is already too high?—I consider that the taxation in India is exceedingly high taxation.

15,801. I think you estimate that these proposals will bring about an increase of, was it 7 crores?—I do not know that I have actually given any figures, because I have to estimate. I cannot tell. They say, it is going to cost, I think, 7 lakhs for Karachi, for instance. I do not know whether they are going to build new offices or what they want in Karachi for a new Government. I have accepted Sir Malcolm Hailey's figures as far as they go.

15,802. On that you think there would be a large increase in the cost of Provincial administration?—I have given the figures under various heads in my Second Memorandum. I have commented on Sir Malcolm Hailey's figures.

15,803. You think that in consequence of that there would be pressure from the Provinces on the Federal Government for more assistance?—I do not see how the Provinces are going to find the money.

15,804. You anticipate there will be strong pressure on Federal Sources of Revenue?—Most assuredly in the case of most Provinces, possibly not Madras and possibly not the Punjab.

15,805. Otherwise there will?—I should certainly think so.

15,806. Would you mind telling us the present method of collection? I understand income tax is collected on a Federal basis and by Federal officers?—I am afraid I am not quite aware of what is done, because it is 10 years since I left India, but in my day I, as collector of revenue, had to collect the income tax. I know they now have an Inspector of Income Tax who is a Provincial officer; at least I think he is Provincial. We had Mr. Gaskell of the United Provinces, and I imagine he is a Provincial officer and not a Federal officer.

7<sup>th</sup> Novembris, 1933.]

Mr. DOUGLAS DEWAR.

[Continued.]

Mr. Butler.

15,807. I think he was a Central officer—I am sorry. As I say, it is 12 years since I was in the United Provinces as a Collector, and things have rather changed since then.

Dr. Shafa'at Ahmad Khan.] Greatly.

Lord Rankellour.

15,808. Can you tell us what proportion of the total revenue of India is collected and passes through the Central Exchequer?—I take it that all the Customs certainly pass through the Central Exchequer and, presumably, the Income Tax does, but the Opium Revenue, I believe, is collected by the Provincial people and then credit is given to the Government of India afterwards.

15,809. And a proportion of those revenues is passed on to the Provincial Governments?—No; I do not think so.

15,810. What proportion goes through the Central Exchequer and is thence distributed?—I take it the whole of the Customs Duty is entirely Central, the Income Tax I am now told is also Central, but the Opium Revenue, I imagine, is collected by the Provincial officers and it must be passed through the Exchange Account to the Central offices.

15,811. Do you know what the proportion is?—The Opium Revenue is pretty small. I can tell you from Sir Malcolm Hailey's memorandum. Have you got Record No. 1, unrevised? He gives the actual opium only 0.63, and, of course, it is a diminishing revenue because it is going to disappear, and that is, as far as I know, the only Central Revenue that is collected in the Provinces, if I am right in thinking that the Income Tax is now purely Central.

15,812. Have the Central Government at present any power of checking expenditure in the Provinces by withholding some part of the revenue which goes through the Exchequer?—The Central Government would have no power. It is all paid into the local Government.

15,813. It has been suggested that in future they might have such a power?—That could be provided for, but, at the present moment, each Province receives all its own revenue, and the Central Government does not ask any questions.

15,814. Would you see a great difficulty in so arranging matters that a part of the revenue was retained by the Central Government in order to secure some financial control over the Provinces?—In order to do that you would have to

have a Central officer collecting the revenue, would not you, because the Provincial officer collects the revenue and sends it to his Treasury; so unless you had a Central officer I do not see how you could retain it. The Accountant-General is a Central officer, and they might direct him to earmark a certain amount of the revenue, but he is not a Treasury officer. The Treasury officer is entirely a Provincial officer.

15,815. The question has arisen whether, in order to have a hold over the efficiency of the Provincial Governments and to see that their officers carried out Federal laws, there might be some financial check of this kind. Would that involve a great change in the machinery of the Central Government?—I think it would because you would have to have Central officers collecting the revenue.

15,816. Do you think it would be an insuperable difficulty?—If you were to make Land Revenue a Central subject of course, that is one of the curious things in this Federal Constitution. As I look at things the King-Emperor owns all the land, and I do not know quite where he comes in in this Federation, but that is another point. I think the oriental theory is that a Rajah, the Mogul, or the King-Emperor owns all the land.

Sir Hari Singh Gour.

15,817. Is that the present theory of the British Government in India?—I say it is the oriental theory.

15,818. Is that the present theory of the British Government in India?—I do not know what the present theory of the Government of India is, but it has been recognised from time immemorial.

15,819. I am speaking of the present British Government in India?—I cannot answer that question.

Sir Akbar Hydari.

15,820. I am not sure whether there has been some misunderstanding about the question in this regard. Is it not, Mr. Dewar, that so far as the Treasury is concerned, there is only one Treasury. There is no difference between Central and Provincial Treasuries where the revenue is actually deposited, but the distinction between the two is more of accounts and books?—It would be certainly. Yes, that is so.

15,821. So that every source of revenue, whether ultimately accounted as Provincial or Central, first goes to one common treasury, and, if it is decided that



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[Continued.]

the Imperial Government should have a first charge upon any portion there, it could be effected?—Yes; it could be effected.

Sir Akbar Hydari.] Have I put your question?

Lord Rankeillour.

15,822. I have no doubt from my ignorance I did not use the right expressions, but that is exactly what I was asking. It would be possible?—Yes, if you said so much per cent. is to be earmarked for the Government of India; if the Treasury officer did not carry out that order, I do not know quite what would happen, but presumably he would. He is the servant of the Provincial Government.

15,823. Just for the moment, on the Railway Board, do you think that would make for economy or otherwise?—I am afraid I did not catch your question.

15,824. The working of the Railway Board: Do you approve that from a financial point of view; the proposal to set up a Railway Board?—I am afraid I am not prepared to give an opinion on that.

15,825. Only one other question. I dare say that you have noticed that there has been a good deal of anxiety lest the Statutory charges for pensions and interest and the like should not be punctually paid; that there might be delay in their payment. How do you think it would be possible to provide against that?—If the money is not there, I do not see how you can get it. You mean if the taxes were not sufficient to furnish the revenue necessary to pay these pensions? I do not see how you could pay them.

15,826. To go back to what Sir Akbar Hydari said, if it is always to go through one channel, could not some of it be earmarked as a first charge for Statutory payments?—I suppose it could be earmarked, but could it be carried out in the case of local demands? Would you have the Treasury officer refuse a local demand on the ground that some of the balance was earmarked for the Central Government?

15,827. That is what I am asking?—It is all a question of there being money there. If there is not enough money to go round, somebody has to go short.

15,828. Could not the statutory charges have a first pull on it?—I suppose it would be possible.

15,829. You have not thought a scheme of that sort out?—You could pass a Statute, but how are you going to enforce it? That is what I am not clear about.

15,830. You said just now that it would be possible to arrange for all the money to come through one channel, and could not it be, if necessary, switched off during that process?—You could pass a rule regarding that, but I am not quite certain how you could enforce it. The Treasury officer is a local Government officer, and if the local Government said "you have to pay this bill," he might be rather chary about not doing it. They would say "you have the money there"; he would have to say, "That is earmarked for the Central Government."

15,831. You would have to have Federal officers?—It might put the Treasury officer in a rather difficult position.

15,832. Is there anybody at present in India who corresponds to the Comptroller and Auditor-General here?—There is an Auditor-General in India.

15,833. Are his functions the same as here?—He is rather different because he is an accountant as well. He keeps the account as well as does the audit, and, I believe, in England the Auditor-General only audits.

15,834. Is it his duty to see that the appropriations passed by the Legislature are spent for those purposes for which they are passed?—Yes.

15,835. On whom is he dependent?—In the case of Provincial revenues?

Lord Rankeillour.] No; I am talking of Central revenues.

Mr. Butler.

15,836. I think there is a slight misapprehension. I do not think that is quite the correct explanation of the position of the Auditor-General in India?—He has to issue an Audit Appropriation Account every year, does he not?

Dr. Shafa' at Ahmad Khan.

15,837. Is not the Auditor-General distinct from the Accountant-General?—The Accountant-General is in the Provinces.

Sir Akbar Hydari.

15,838. I think you are not aware of the fact that there has been a recent separation of accounts and audits. Formerly the Accountant-General used to be both Auditor for the Provinces, in subordination to the Comptroller and Auditor-General, and also he used to be the Accountant-General. Now I think



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they are separating the two?—I only heard it had been tried as an experiment in the United Provinces and had been given up because it was too expensive. That is my information, but I left India some years ago.

Lord Rankeillour.

15,839. You know the Comptroller and Auditor-General here is an independent officer, not under any department of Government, who reports whether the money voted by Parliament has been spent for the purposes for which it was voted. Is there anything of that kind at the Centre in India now?—Yes, that is the Auditor-General's duty, to see that the money which is voted is properly appropriated.

15,840. Is he attached to the Finance Department?—No; he is appointed by the Secretary of State. He has a different office altogether. He is supposed to be quite independent of the Government of India.

15,841. Do you think there is anything in these proposals which would affect his position—the White Paper Proposals?—I do not think so necessarily, because, after all, he has only to see that the Statute is carried out, and, whatever the Statute is, I suppose he does that.

15,842. As here, he can only make a post-mortem, as it were?—Yes.

Lieut.-Colonel Sir H. Gidney.

15,843. Will not the post of Auditor-General remain after the new Constitution Act is passed?—I cannot say. I should ask the framers of the Act. I think they said they had to provide for one. As far as my recollection goes the White Paper does not deal with it at all. They are leaving that for the future. But what is in their minds I have not any idea.

Sir Reginald Craddock.

15,844. You made certain remarks about the Land Revenue. The first point I would ask you is that the ordinary cultivator has to pay rent, has he not?—Yes.

15,845. Or Land Revenue in the Ryotwari Provinces?—Yes.

15,846. In the Zamindari Provinces he pays rent to the landlord?—Yes.

15,847. Consequently the burden of Land Revenue does not fall directly upon him. It depends upon what rent he has to pay?—The cultivator is only responsible for paying the rent to his landlord.

15,848. That is what I mean. The Land Revenue might be comparatively moderate, whereas the rents might be on a higher scale?—Undoubtedly it does happen.

15,849. As for example Lord Middleton asked you about the Permanent Settlement. The Permanent Settlement prevents any Land Revenue being increased, but it does not, as such, prevent any rent being increased?—No.

15,850. Therefore, the burden paid by the cultivators of Bengal does not depend on the burden of Land Revenue on the Zamindars?—Not necessarily.

15,851. But upon the rents which the zamindar takes from the cultivator?—That is so.

15,852. The cultivator, likewise, has to pay his share of the Customs on any purchases that he makes of imported sugar or cloth?—Yes, of course he does.

15,853. So that a very high Custom must therefore react very greatly on the whole body of agriculturists? The village dwellers form 90 per cent. and the agriculturists about 72 per cent. of the population?—I quite agree.

15,854. Consequently high Customs, high Excise and general taxation with the exception of Income Tax, fall very hardly upon the agricultural population?—I should say every tax except Income Tax affects them.

15,855. Then the cost of litigation, for example, is a very important item in his budget?—Yes, because he has to litigate even in the case of revenue suits very often; he cannot help himself.

15,856. Then a fall in the value of silver has affected him prejudicially, has it not?—Of course, his prices would fall, I suppose, and he would get less for his produce.

15,857. He may have bought that silver a good many years ago?—In that case if he has to disgorge, of course, he gets less for his silver than he would have got.

15,858. Part of his silver is round his wife's ankle, and they have to part with this silver when times are hard, and therefore he gets a much depreciated sum for that silver?—Undoubtedly. Probably he would lose more than the full depreciation; he would have to pay through the nose even for that.

15,859. Then another thing I should like to point out to you is that for the last forty or fifty years in all temporarily

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settled tracts, that is excluding the permanent settlement, rents and revenues have been steadily raised on the ground of the rise in prices?—That is so.

15,860. I think your figures will show that the land revenue in your earliest years was very much less than the land revenue just before the war came?—That is so.

15,861. Or even in 1921, it had risen considerably and rose very steadily during that period, but from 1930-31 the land revenue has fallen. Your own figures show that?—Yes, the actual receipts from it, not the assessment, you mean, so much, but the receipts. The actual receipts into the Treasury have certainly fallen.

15,862. Consequently the land revenue which is now collected perhaps with some difficulty cannot be raised so long as this slump continues. Is that the case?—In the case of the United Provinces I think they had to reduce their demand by 110 lakhs three years ago.

15,863. Very likely; they reduced it by 25 per cent., and in all other Provinces I see there has been a fall. That is common to the whole of India—a fall of land revenue in the Provinces?—Except the Punjab, I think. Is not that an exception? There, of course, they are increasing their irrigation which accounts for that.

15,864. That is the point with regard to the Punjab; they are increasing but the price of agricultural produce has been the severest blow to the cultivator?—That is the great complaint one hears.

15,865. It has been tremendous. I put it to you that when you went out to the country the prices were higher than they are now?—Undoubtedly. I believe the United Provinces in their Annual Report said they were 7 per cent. below 1914 prices.

15,866. At all events, the point that I am trying to ascertain your opinion upon is that the land revenue will not be able to be raised beyond what it was a few years ago until the effects of the slump have disappeared?—Most emphatically not.

15,867. I wanted to ask you some questions about the system of accounts regarding which there has been some discussion. It was, at all events until recent changes, fairly correct to say that the Provinces banked with the Government of India?—Yes, I suppose you might well describe it as that.

15,868. That is to say, for convenience sake and to meet all the local demands of

expenditure certain balances were kept at certain Treasuries; the control of these balances rested with your Accountant-General or Controller, as he might be called?—Of course, it was his business to keep the Treasuries in funds. They had what they call Deficit Treasuries and Surplus Treasuries, and it was our business to see that the Treasury Officer always had money available to meet demands.

15,869. The District Treasury and so on, the Controller or Accountant-General had to keep watch on?—Yes.

15,870. There was no separate appropriation of Central revenues or Provincial revenues inside the Treasury; there was so much money and afterwards as to whom that should be credited to was purely a question of accounting, was it not?—That is so. The Treasury Officer had to pay all demands that came to him on proper forms.

15,871. And the Controller or Accountant-General had close cognisance of what those demands would be?—Yes.

15,872. There were such matters as Supply Bills and Remittance Transfer Receipts—large items?—Yes.

15,873. You might get in one place large demands of that kind where there was a lot of trade, and it was the business of the Controller or Accountant-General to see that the Treasuries were in adequate funds to meet possible demands upon them?—Yes, that was a most important part of his work.

15,874. And another thing I suppose you did, as our Accountant-General and Controllers in my Province did, was that they kept the Local Government informed from time to time of how the revenue was coming in, and they submitted what they called resource lists. Is that not so?—Yes, that is so.

15,875. That is to say, the various Revenue and Treasury Officers made up their resource lists for their districts and sent them up to the Central Office to the Controller or Accountant-General, and it was on that that he framed his calculations as to where the money was required, where it should be kept, and where it might be transferred from one Treasury to another?—That is so.

15,876. But ultimately there were certain Imperial revenues which were credited to a particular Treasury, and as long as the accounts were properly kept it did not matter to whom the money belonged in the Treasury?—That is so.

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[Continued.]

Dr. Shafa' at Ahmad Khan.] Is that pre-1919 or post-1919?

Sir Reginald Craddock.

15,877. It is up to the time I left India anyhow. I cannot say what changes have been made since. (To the Witness): Is it the fact that the Accountant-General of the Province has become or will become a Provincial officer now?—That is a point which I have raised in my evidence. I am not quite clear about it. At the present moment, of course, he is a non-Provincial officer; he is paid by the Government of India, but under Provincial autonomy I presume that that will not be so. But there again I do not know what the White Paper people propose to do; they have not said, so far as I can make out, in what they have published.

Lord Winterton.

15,878. Might I ask, what does the Witness mean by the White Paper people? Does he mean the proposals put forward by His Majesty's Government for the consideration of this Committee?—Should I say the framers of the White Paper?

15,879. We are considering *inter alia* the proposals put forward by His Majesty's Government. Is that what the Witness is referring to?—I am referring to what is called the White Paper. I should have said, I do not know what His Majesty's Government intend to do with respect to the position of the Accountant-General—whether he is to be a Provincial officer or a Central officer.

Sir Reginald Craddock.

15,880. That is rather important, because the Accountant-General if he is a Provincial officer, is not, as he used to be, a watchdog of the Central Government?—At the present moment, of course, it is the duty of the Accountant-General to act as a watchdog so to speak, over the Local Government—to see that it carries out its functions.

Sir Joseph Nall.

15,881. Are the Treasury Officers to whom you have just referred responsible to the Provincial Governments or to the Central Government?—They are responsible to the Provincial Governments themselves, but they have to carry out the Accountant-General's orders, and if they do not do that he will report them to the Local Government, who will deal

with them; but the Treasury officer is a Local Government servant, he is appointed by the Local Government; the Accountant-General has nothing to do with the appointment.

Sir John Wardlaw-Milne.

15,882. Mr. Dewar, would you refer first of all to your Memorandum No. 75, paragraph 3, sub-paragraph (3). You say: "Much of this increase" (referring to the increase in question) "has been the result of recent administrative changes in the Government of India." Have you by any chance compared the increased charges of administration in India in, say the last 15 years with the ratio of increased charges in other countries?—No.

15,883. You are aware, of course, that there has been a very great increase in charges in this and other countries as well as in India?—I believe in this country there has been. I am afraid I am not prepared to speak about other countries.

15,884. You know it is the case in this country?—I agree there is always a tendency for extravagance in government.

15,885. Then I want you to turn to the comparative tables where you use the year 1930-31. May I suggest to you that that is rather an exceptional year from the point of view that the world depression had begun to have or had fully had its effect upon India, at the time these figures were available? Is that not the case?—It is true, of course, that the depression certainly had made itself felt at that time. Those were the latest figures I was able to get hold of; that is why I gave them.

15,886. Are you aware, for example, that in 1929-30, the year before, the figure of total revenue was 227 crores, which is very considerably different from the total of 206 crores which you give in that paragraph?—No, I am not aware of that. I take your word for it, but I am not aware of it.

15,887. These figures are given in the "Moral and Material Progress of India" Report issued in 1932. They give the combined Indian revenue, Provincial and Central, for 1929-30?—Are they both gross figures, or is one net and the other gross?

15,888. I do not think so. I will not pursue it, but perhaps you will care later on to examine the figures. However, you will find if you look at 1929-30 the figure was given as 227 crores, which is

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rather a different one from the figure of 1930-31. That is perhaps borne out, I suggest for your consideration, by the statement of the Finance Minister, who, dealing with it in his budget speech, referred to the very considerable fall in wholesale prices and the result, of course, upon the revenues of India. He dealt with that in detail. I will not detain the Committee by going into it, but it does have reference to what you say, because in one or two parts or your Memorandum, at the beginning, you rather put the burden as being entirely caused by the increased administration charges, but later on you refer yourself to a series of misfortunes, chief among which was the fall in prices. Do you remember that passage?—Yes.

15,889. But have you taken into consideration, not only that it was the chief one, but that in fact the fall in prices in India was 19 per cent., which was the highest probably of any of the main countries of the world in that year. India was probably more severely affected in the year you have chosen than any other country in the world?—I chose it because it was the latest year one could get figures for, not for any other purpose.

15,890. It would not be unfair to say that it is perhaps for India an unfortunate year, but for the purposes of your comparison rather a fortunate one?—Have matters improved since?

15,891. I do not think there are any figures available since; I am quite sure you would have given them to us if there had been?—But can you give me the figures for the year you mention? I would like to make a note of it if I could. I was not aware of it.

15,892. I have the Report of the "Moral and Material Progress of India" for 1932, page 367?—The total revenue for the year?

15,893. Yes—giving the revenue expenditure. I will not detain the Committee by going into the details of it. Then I want to ask you this, Mr. Dewar. Throughout your Memorandum you speak of the burden of taxation upon India, and to-day I think you have used the phrase that that burden is appalling. Have you worked out what the burden of taxation per head of the population is in India?—No, I have not gone into the figures.

15,894. You are aware that even as compared with some other countries, not dissimilarly situated, the burden of taxation per head is very low?—Of course,

you have got to take into consideration the comparative wealth of the nation.

15,895. I quite agree: I was coming to that, but you have not dealt with that aspect of it at all in your Memorandum?—If we take the population of England and our revenue, and the population of India and India's revenue, I think you will find, of course, an enormous difference, but you do not suggest that by raising taxation you could get out of India 30 times the revenue you could get from England, India being a poor country?

15,896. Certainly not; that was why I was careful to say "countries not dissimilarly situated." Equally, I suggest to you that there is a population of 350 millions in India and a population of 46 millions in England, which is also rather a different matter; but I will not bother about that?—My point is that England with her smaller population has a much bigger revenue than India, showing the enormous disparity between the two countries. You cannot suggest that you can get that revenue out of India by taxation.

15,897. Having considered taxation per head of the population now as against the years you put forward, leaving any comparison out, have you any figures of the taxation per head of the population even in the bad year 1930-31 as compared with, say, 1913-14?—We see that, in spite of the increased taxes, there has been a very slight increase in revenue coming in. Although the rates of taxes have been so greatly raised, the amount of revenue coming in is hardly any different; in fact, it is rather tending to fall. If you have the last budget figures for the last 10 years we could see everything in a moment. There is a memorandum attached to Sir George Schuster's budget giving the figures for the last 10 years, and my impression is that the revenue has rather tended to fall. I have got one or two years here showing that taxation has almost reached saturation point.

15,898. I do not in any way wish to argue that with you, but I would ask you: Is it not the fact that in some aspects the taxation was heavier in the days when you were in India than it is to-day: for example, you were in India at the time when the salt tax was 2½ rupees?—I do not think it was ever as much as 2½ rupees in my time. I think it went up to 2 rupees. The salt tax was high then.

15,899. Perhaps, unfortunately, I was putting you rather farther back than

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you ever claimed to be?—In fact, it was at one time 2½ rupees.

15,900. And it is now?—One rupee, 12 annas.

Sir *Harī Singh Gour.*] One rupee, 4 annas.

*Witness.*] Is not there a 25 per cent surcharge on it?

Sir *Phiroze Sethna.*] There is no surcharge on it.

Sir *John Wardlaw-Milne.*

15,901. Therefore the tax is about half of the highest limit it has been?—Is it not 1 rupee 4 annas, plus the 25 per cent. surcharge?

Mr. *A. H. Ghuznavi.*] There is no surcharge on the salt tax.

Sir *John Wardlaw-Milne.*

15,902. It does not materially matter. It is very much less than it was—something like half of what it was at the highest point?—Yes.

15,903. As a matter of taxation—I am quite sure you will not take it that I am recommending that it should be higher—that tax falls as a fact per head of the population very lightly upon the Indian people?—The salt tax, judging by the amount per head is a very tiny sum; the actual number of rupees paid per head would be quite small.

15,904. But that is a tax paid by everybody in the country?—It is paid by everybody in the country, yes.

15,905. And it is a tax which to-day is something like half of what it was at the highest limit?—Yes, provided that the surcharge does not apply to it.

15,906. Have you by any chance in your very interesting figures thought of any possibility of examining the taxation of India in relation to its trade turnover?—No.

15,907. You realise that comparatively the trade turnover of taxation, as compared with other countries, is small? Again, I am not going into the question of whether the people can pay it?—I cannot say I have gone into the relation between the two things.

15,908. Theoretically, is not that the only way in which one can really judge taxation?—I would not say so in an agricultural country like India.

15,909. Then turning to your additional Memorandum No. 76 for a moment, you refer to the appointment of two officers in the case of the Punjab Government, and you rather suggest that as an example of an increased administrative

cost, but if the result of the appointment of these two officers was, as you say, to produce satisfactory results in the revenue, the cost was very much more than met?—I think my intention was to show the value of the audit rather. May I just see what I do say here? I say, “or for the increased cost of audit,” which I think will be more under the new system, showing the value of audit. I quote this as an example. The Punjab Government found that these two auditors were valuable. My point was that Sir Malcolm Hailey seems to assume that the audit under the new Constitution is going to cost the same as under the present Constitution, and it seems to me that if that is so there will be a considerable falling off in the revenue. I think I have gone at some length into that in my first Memorandum.

Dr. *Shafa' at Ahmad Khan.*

15,910. Had the Local Fund Audit been instituted when you were in the United Provinces?—The audit of the Local Fund Accounts, Municipalities, District Boards (County Councils and Urban Councils) that was introduced, I think, about two years before I went to India, as far as I remember.

Sir *John Wardlaw-Milne.*

15,911. In paragraph 7 of Memorandum 76 you say: “Sir Malcolm Hailey makes no allowance for any deterioration of the revenue at the Centre or in the Provinces in consequence of the administration being less efficient under the new Constitution than it is at present.” It is, of course, merely a matter of opinion whether it would be less efficient or not?—It would be a matter of fact whether it is less efficient or not. Of course, we have an opinion with regard to it, but when it is in force we shall then know whether it is more efficient or not. My point is that with all these people going on proportionate pensions there is likely to be rather a temporary fall in efficiency.

15,912. Then in one or two places, I think principally in this part of your Memorandum, you refer to India's Debt. Speaking very generally, the unproductive debt of India is, you will agree, for the size of the country and its trade, at a very small figure compared with other countries?—Not if you consider its relative wealth. I do not consider it small. Its proportion is as big as England's was before the war broke out.

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when you consider the relative wealth of the two countries.

15,913. You say that on March 31st, 1931, it had an unproductive debt of 183 millions. Comparing it again with the unfortunate position of most of the other countries of the world, do you consider that a large debt for a country with a revenue of 227 crores?—A very large unproductive debt, yes.

15,914. Compared with other countries, you would agree it is a small one, would you not?—I do not know whether other countries distinguish between their unproductive debt and their productive debt as India does. This is the unproductive debt, not for railways and canals and that sort of thing; this unproductive debt is for borrowing chiefly and for meeting overdrafts and things.

Mr. N. M. Joshi.

15,915. Is not a large part of that unproductive debt the world contribution of India to Great Britain of about 100 crores?—Yes, certainly. Of course, that is part of it.

Mr. A. Butler.

15,916. Might I ask Mr. Dewar what his definition of "unproductive debt" is. What does he include under that heading?—Any debt that is incurred for something that brings in no return by way of revenue, such as railways and irrigation.

15,917. May I take it you mean it to be the excess of interest-bearing obligations over interest-yielding assets?—I think that would probably be what it would amount to.

15,918. That would be the very highest figure you could find for it?—Of course, anything that yields interest must be a productive debt. That is quite clear, is it not? I call any money that you borrow and get some return in the form of income productive.

15,919. I just wanted to know what definition you applied to the term?—I am only taking it from the figures given in Whitaker and so on, and what the "Economist" says is an unproductive debt. I do not know what their definition exactly is, but that is what I take it to be.

Earl Peel.

15,920. Do you include in your reference to these unproductive liabilities such things as liabilities under the Post Office, Post Office Deposits and things of that sort?—I imagine that that must

be included in it; it is shown as an outstanding debt; it must be included in it

15,921. You would include that? Would you include those on both sides to get the figure of 183 millions?—Perhaps I should say that it depends upon what they use the Post Office Savings Bank money for. If it was used for railway construction, for instance, then it would be a productive debt. It must depend upon the use the money is put to, I take it.

15,922. Then you would divide the liabilities upon the Post Office according as to the investment of the money; is that so?—For the purpose of classifying the debt of India as unproductive or productive, I would apply the test of interest, and if the Post Office Savings Bank money is used to pay off a debt I would say it is an unproductive debt, but if it was used to finance a railway I would call it productive.

15,923. You are not sure whether the 183 millions includes both these classes of funds?—I think that 183 millions would not bring this in at all. This money does not appear, so to speak; it is all used up in the Government funds as such, and then when you have used this money up you have to see what your total debt is and you divide it up into productive and unproductive debt.

Sir John Wardlaw-Milne.

15,924. Would you be surprised to know that other authorities would not put your figure of unproductive debt as high as the figure you have put in your Memorandum?—That is taken from the "Economist."

Lord Winterton.

15,925. Might I just ask, arising out of that, does the Witness say the actual figure of 183 millions and the term used, that is to say, unproductive debt, are taken from the "Economist"?—Yes, they are taken from the "Economist."

Sir John Wardlaw-Milne.

15,926. In your Memoranda you refer to one of the weakest spots of the White Paper being the effect on the main sources of the income of the Federal Government, and the new Customs revenue as affected by the proposed changes, and you refer to what has happened in the possible opening of the Indian mints to the free coinage of silver. Are you aware that as against the advantages, which I do not in any way



7<sup>o</sup> Novembris, 1933.]

Mr. DOUGLAS DEWAR.

[Continued.]

dispute, that you have referred to here, there is the fact that the present basis of exchange in India has tended to keep the products of the Indian agriculturists at a very low level?—Yes.

15,927. You would agree with that?—Yes.

15,928. You would agree that a change in the ratio value of the rupee would immediately change the position of the Indian producer in that respect?—It would, of course, make his goods cheaper for the foreigner or the Englishman.

15,929. You refer to the difficulties under the proposals which might emerge from the considerations of this Committee of the White Paper proposals if they were accepted in anything like their present form—the difficulties that would exist in the way of appointments, Indian Ministers being induced to give appointments to those connected with them, and so on. You remember your reference to that?—No; would you refer me to it?

15,930. I think it is in Memorandum No. 75 somewhere that you refer to the difficulties that will arise from pressure being brought to bear upon Ministers?—Indian collectors, was it? I do not think I mentioned Ministers.

15,931. The main point I wanted to ask you was this: It is quite clear that whether that exists to-day or not, or whether it will exist in the future or not, if Indians are to administer departments in India that is bound to be met with some day?—Yes; you have to make the appointments.

15,931A. You do not suggest any means by which that could be obviated or avoided altogether? If the pressure is going to exist it is bound to exist some day?—There might be methods of meeting it. I think they try to do it in some of the Provinces. They have a Public Services Commission in some of the Provinces, which makes the appointments.

15,932. If any extension of self government in the past has led to that, it is an inevitable consequence, is it not?—It does not refer to any system. My people used to come to me and worry me to give them, or their sons, appointments. It applies to any unfortunate officer who has the gift of appointments. He is apt to be pestered by people who wish to get them.

15,933. I did not follow what bearing that had?—Would you refer me to the passage?

Mr. Butler.] It is in Memorandum No. 75.

Sir John Wardlaw-Milne.

15,934. The reference under the heading of "Other Items of Additional Expenditure"—"another cause of loss of revenue which is likely to operate is that the inauguration of the proposed Constitution will be deemed by the criminals and bad characters of the country a favourable occasion on which to commit thefts"?—Yes.

15,935. Do you seriously suggest that this change is likely to bring about an immediate influx of bad characters designing to commit thefts?—I know the Indian bad character is always ready to take advantage of any change of Government or any time like that, or any crisis.

15,936. What in the White Paper leads you to think definitely that this would be the result if the Committee did accept any such scheme as is there set out?—If you are going to introduce suddenly an entirely new form of Government in India I think it would, quite likely, lead to disturbances, and both people on the frontier and internal criminals would think this a very good opportunity to pursue their desires.

15,937. In connection with pensions, to which you referred a few moments ago, I understood you to say you had not any proposal to put forward as to how pensions should be secured, but, if pensions and similar charges are, in fact, a first charge on the revenues of India, and the Governor-General has the authority and duty of ensuring their payment, you do not suggest that the revenues of India will, at any date, not be able to produce sufficient money for the Service of the Debt?—I suggest the Governor-General might have difficulty in getting the money if the bulk of the people were hostile. I do not know quite how he would get the money.

15,938. If it were a first charge, that would mean, perfectly plainly, that nothing else would be done before the payment of these things. You do not suggest there would not be the money there?—I do not suggest there would be no revenue coming in. If they were a first charge there would be enough revenue coming in, in any circumstances, I should think, to pay them; but whether the Governor-General would be able to get the money is another matter. It is one thing to put on paper that it is to be a first charge and another thing to carry it into effect.



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Mr. DOUGLAS DEWAR.

[Continued.]

15,939. You do visualise the possibility of sufficient trouble caused by a new Constitution in India which would make it impossible to raise enough revenue even to pay these charges?—No; I did not say that.

15,940. I could not have understood your answer. I asked if you did envisage such a possibility?—There might be a conflict between the Governor-General and his Ministers, and the Governor-General might decline, we will say, to sanction legislation which they considered essential. Then the Finance Minister might turn round and say: "Then I cannot get the money in for you."

15,941. In a case of that kind, would not that be a complete breakdown of the Constitution, in which case, the Governor-General would take charge?—If the Finance Minister said "If you do not allow this Measure to go through, I fear I cannot get in enough taxes to pay for the demands of the Army, Pensions, and so on," what would the Governor-General do? Would he wait and see, or would he act as if it was a breakdown of the Constitution?

15,942. I am asking if you have examined the White Paper Proposals from that point of view?—I have, but the White Paper says he should use his endeavours to get it, but how is he going to do it in practice? It is all very well on paper to say, "Tell the Governor-General to get this money and send it to England," but I do not see how he is to do it.

15,943. The Governor-General has the power to take complete charge?—He is empowered to do it. He might find great practical difficulty. It is easy to say, "You go and collect that"; it is not quite so easy to get it.

Sir John Wardlaw-Milne.] You envisage the possibility of not being able to raise even that amount of money?

Lord Eustace Percy.

15,944. I understand your Memorandum No. 76 was written after you had been able to consult Sir Malcolm Hailey's Memorandum?—Yes. Having seen that then I put in my Second Memorandum.

15,945. If you will allow me I will confine my examination of you to that Memorandum. In the first place, will you refer to that Memorandum where you say that the repayment of £84,000,000 of the £100,000,000 contributed towards the War seems to have been

accomplished by appropriating to that purpose all the sums provided in the Budget under the head "Avoidance and Payment of Debt"?—Yes.

15,946. Do you believe that that is the fact?—That is the only thing shown in the Budgets of the payments made, therefore, I infer it is that.

15,947. Are not you aware that, I think, more than £75,000,000 out of that £100,000,000 was paid by loans raised by the Government of India? Are not you aware that it is only the balance on which Sinking Fund and Interest Payments have been made out of the Funds for "avoidance and payment of debt"?—If you call it paying off a debt to borrow money you are robbing Peter to pay Paul, in other words.

15,948. I am not asking what I call it, but you have suggested in this Memorandum that a certain course has in fact been taken by the Government of India?—I put it in this way: The unproductive debt of India has risen from £13,000,000—

15,949. I will examine you on that in a moment, but I am asking at the moment whether it is a fact, as you have stated, that the repayment of £84,000,000 to this country has absorbed the whole Budget provision for the avoidance and payment of debt?—I should think it would, because I think the actual figures were about six crores a year, and that is all that is shown in your Budget.

Mr. Butler.

15,950. The actual provision in this year's Budget is 78·4 lakhs?—We will call it eight crores, shall we?

Mr. Butler.] No, 78 lakhs.

Lord Eustace Percy.

15,951. May I suggest to you that the statement in your Memorandum is wrong, that £75,000,000 of this £100,000,000 has been repaid out of capital raised by the Government of India and that only a fraction of the Budget provision for the avoidance and payment of debt has been used for this purpose?—If you say so, I will take it at that.

15,952. It is on the published records; it has been announced to Parliament; it has been laid before Parliament. There is no mystery about it?—I will take it from you.

15,953. May I come to the second point in the next paragraph. You say that the unproductive debt of India has increased from £13,000,000 in 1914 to £183,000,000 in 1933?—Yes.

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Mr. DOUGLAS DEWAR.

[Continued.]

15,954. You were asked a moment ago whether you regarded Provident Funds, Post Office Savings Bank and Reserves as unproductive debt. Where are those in these comparative figures?—I do not think they appear anywhere, because that money is not lying idle. That has been used in some way, it is merged in the Government Accounts.

15,955. Would you be surprised to know that you have left it completely out of the 1914 figure, and you have included it in the unproductive debt of the 1933 figure?—One is taken from the "Economist" and the other is taken from the Encyclopædia Britannica, Lord Meston's article.

15,956. May I suggest to you that that is no way to compare figures?—Unproductive debt is unproductive debt.

15,957. Would it surprise you to know that in your second figure of £183,000,000 you have included a sum of £147,000,000 Post Office Savings, and so on, which you have left completely out of your previous figure, so that, as a matter of fact, the comparative figures are not £13,000,000 and £183,000,000, but £13,000,000 and £36,000,000?—I do not think you would find all that difference between the two. I do not mind. My point is that your unproductive debt has increased. It does not matter whether it is in the Post Office Savings Bank; you do admit £13,000,000 in 1914.

Lord Eustace Percy.] No.

Earl Winterton.] On a point of order, I think we should get clear what the position of the witness is. Does the witness make himself responsible for these figures, or not? I gather from his last answer that he does not. He has taken them from the "Encyclopædia Britannica" and the "Economist." I do not see how the Committee can usefully examine any witness who does not take responsibility for the figures in his Memorandum. I raise it as a point of order.

Lord Eustace Percy.

15,958. I was not trying to shake the credit of the witness. I was only trying to find out what the basis of his figures was. Either his £13,000,000 or his £183,000,000 is wrong. He has left out of the first something which is included in the second, therefore, the comparison is an increase of £13,000,000 to £36,000,000 and not an increase of £13,000,000 to £183,000,000. Perhaps we may leave it there; perhaps the witness will verify his figures?—If you are going to leave out your Post Office liabilities,

are you not going to count that as a debt at all?

15,959. I have no objection to putting in the Post Office liabilities in 1933 if you will put them in in 1914, but you have left them out in 1914?—Thank you for pointing that out. I will find the correct figures.

15,960. Perhaps you will revise your figures. Perhaps you will tell me what the precise points of your comparison are with Persia and Siam. They seem to show that India's unproductive debt is only 18 per cent. in excess of her annual revenue, and that Siam's is 22 per cent. What was the point of comparison?—Because it was suggested that the state of India was quite unique in the smallness of her debt, and I do not see that it is unique—that is the only point—comparing it with other countries round about.

15,961. You do not argue that the position of Siam is better?—I simply give the figures. One is total debt. They do not give unproductive and otherwise.

15,962. We will not delay over that any longer. I am also rather puzzled, if I might jump on a little to finish up this debt question, by your comparison of England and India. Do not you regard War Debt as unproductive debt?—War Debt is certainly unproductive debt.

15,963. Then why do you carefully eliminate War Debt before comparing the unproductive debts of the two countries?—Where do I eliminate it?

15,964. In paragraph 26?—Before the War I give it. England's War expenditure was out of all proportion. My point is that India now is in much the same position as England was before the War. That is the point I am trying to make.

15,965. You think the comparison of India after the War with England before the War is a fair one?—Yes.

15,966. You have not taken in the *per capita* weight of the debt in the two countries?—No; I have not done that.

15,967. Have you worked that out at all?—I have not divided the debt by the population or the population by the debt.

15,968. Does it not strike you that, on the argument in your last paragraph, that would be the natural thing to do. What is the unproductive debt of India per head of population?—It will not take very long to work it out.

15,969. Is it about 13s. 4d.?—The population is—

7<sup>o</sup> Novembris, 1933.]

MR. DOUGLAS DEWAR.

[Continued.]

Lieut.-Col. Sir H. Gidney.

15,970. 360,000,000?—I should take British India only.

Lord Eustace Percy.

15,971. It is about 13s. 4d. Perhaps you will work it out. With regard to revenue and expenditure may I ask you to refer to your Memorandum, paragraph 51, where you say the foregoing considerations indicate that the problem that would confront the Central Government is to find Rs 19 Crores after sacrificing Rs.13 Crores of Revenue. Your 13 crores of revenue you take straight from Sir Malcolm Hailey, I gather?—Yes.

15,972. How do you get your 19 crores, because I fail to work it out?—It will take me a little time.

15,973. Surely you can tell me. Does it include any revenue which is being handed over to the Provinces?—Yes.

15,974. It does?—Of course it includes that.

15,975. So that is not extra expenditure in India as a whole?—It has got to hand over its salt tax, has it not?

15,976. I beg your pardon?—It will have to hand over the Income Tax or part of it.

15,977. How much Income Tax is taken into consideration in the 19 crores?—I am afraid if you challenge the figures I must ask for time to explain how I got those 19 crores out.

15,978. Then perhaps we may take some of your figures *seriatim* because, although they do not add up to 19 crores, I shall be anxious to know how you arrived at them. You have, in paragraph 8, a sum of 7 crores which is taken from Sir Malcolm Hailey's Memorandum plus some addition of about 75 lakhs because you think Sir Malcolm Hailey's estimate is an under-estimate. Is that right?—Deterioration of revenue. I say, "Assuming that there will be no such deterioration, the finding of an additional Rs.7 crores of revenue every year would not be a very heavy burden."

15,979. But that 7 crores, I gather, is an addition of the sums in the preceding paragraphs, is it not?—Yes.

15,980. Two crores, which you think is extra expenditure?—Yes.

15,981. One crore which is not extra expenditure, but which is tributes not collected from the States?—Loss of revenue, in other words.

15,982. It is loss of revenue; it is not extra expenditure?—No.

15,983. Loss of currency receipts?—Yes.

15,984. That is a non-recurring item, is it not?—No; it is a recurrent item, until you get profits from the Reserve Bank.

15,985. It is an expense incident to the establishment of the Reserve Bank?—To handing over control of the currency, but I do not say it is non-recurring at all, for the moment. I should say it is recurring for some time.

15,986. And 3 crores for the separation of Burma, which is again loss of revenue?—Yes; I call it surrender of revenue in my Memorandum, under the proposed Constitution.

15,987. Your 7 crores is composed partly of extra expenditure and partly of surrender of revenue. It is a mixed figure, is it not?—Yes. The Government will have to find that sum, but for Budget purposes it does not matter whether you surrender Revenue or spend more.

15,988. Later in your Memorandum, at the point I originally referred to, paragraph 51, you make a distinction between finding additional revenue and relinquishing 13 crores of revenue, so you do not seem to have quite kept that distinction there?—That is taking off these extra taxes when I say "relinquishing" 13 crores. It is not the same thing as surrendering revenue from the States and so on.

15,989. There is a possible distinction. In paragraph 41, you have 4 crores extra on the Military Budget?—Yes.

15,990. How did you arrive at that sum of 4 crores?—As a very conservative estimate to restore the Army to the minimum given by Sir Basil Blackett in 1928. He said 55 crores was the very minimum. I have his very words.

15,991. I am quite aware of his words? Some of that is due to the cheaper prices and so on, so I put a very minimum of 4 crores.

15,992. Have you consulted the Report of the Federal Finance Committee of 1932, if you will excuse my asking you?—I am not sure that I have seen that. I have seen a good many documents. If I saw it I might be able to recognise it.

15,993. I do not want to claim any particular paternity, but then you possibly have not studied the paragraph at the bottom of page 47 of that Report on the Military Budget. May I read it to you: "Our estimate" (That is the estimate of the Committee) "of 47 crores for the Army Budget of the future is

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Mr. DOUGLAS DEWAR.

[Continued.]

based on the 1932-33 Budget figure, allowance being made for restoration of pay-cuts, resumption of normal building and stores programmes, and the separation of Burma. No provision has been made for non-recurrent expenditure on the completion of the special re-equipment programme, the cost of which would be about 3 crores"—3 crores of non-recurrent expenditure over 47 crores?—May I refer you to Sir George Schuster's Budget Statement of 1933-34, the Memorandum attached thereto by the Military authorities. I was basing my figures on that.

15,994. They gave no figures, did they? Will you refer me to the actual words?—It is attached to the Budget Statement, a Military Memorandum.

15,995. You say you base yourself on these words. What are the words that you base yourself on? Are you quoting the words that you yourself quote in paragraph 43 of your Memorandum?—No. The words I have here, from this Memorandum published by the Military authorities attached to the Budget.

15,996. Yes?—Sir George Schuster said in 1931: "The gross expenditure on the purchase of ordnance stores in a normal year is estimated at Rs.254 lakhs as against only Rs.189·23 lakhs required during the year 1931-32. The difference of Rs.64·77 lakhs represents the extent to which in 1931-32 the Army will still be living on stocks surplus to requirements. The gross expenditure on provision for clothing in a normal year is estimated at Rs.106 lakhs as against only Rs.76·80 lakhs required during the year 1931-32. The difference of Rs.29·20 lakhs represents the extent to which in 1931-32 the Army will still be living on stock."

15,997. Is that what you rely on?—In the Appendix to the 1933-34 Budget the words occur "in 1931-32 the financial crisis led to a still more intensive campaign of economy and retrenchment. In this campaign the Military authorities worked in close collaboration with the Army Retrenchment Sub-Committee, and as a result of their joint efforts His Excellency, the Commander-in-Chief was able to accept for 1932 a Budget allotment of Rs.46·74 crores. This included a saving of Rs.105 lakhs in temporary cuts in pay. The search for economies did not cease with the acceptance of the 1932-33 Budget, previous lines of retrenchment were further worked out and new schemes were taken in hand estimated to produce a saving in 1933-34 of Rs.70 lakhs. They include a reorganisa-

tion of pioneers", etc. I think somewhere I have quoted here where it says they cannot go on living on their stocks as they have been doing.

15,998. Yes, but the extracts you have read indicate that they are living on their stocks to the extent of about one crore per annum; but one crore is not four crores?—No. They are not doing any new buildings, all their schemes have been held up; everything has been held up. You remember that Lord Rawlinson protested very much when it was reduced from 68 to 56 crores.

15,999. But after all those were days before the fall in prices. Mr. Dewar, may I cut this short by suggesting that you have left another thing out of account, which is the separation of Burma? What is the effect of the separation of Burma on the cost of the Army?—I have not studied that at all on the cost of the Army.

16,000. Is it not possible, then, that the estimate made by the Federal Finance Committee, which you have heard apparently for the first time to-day, of 47 crores may be nearer the truth than your estimate?—If Burma were left out I should think it probably would be.

16,001. This in any case will have reduced your 19 crores a little, but as you cannot tell me how those 19 crores are made up I am not quite certain what has happened to them. May I finally direct your attention to one rather different subject in your paragraph on railway finance? May I read what you have said. "The interest payable by the railways on their capital has increased from nearly Rs.24 crores in 1924 to nearly Rs.33 crores without any increase in the gross traffic receipts. The present interest charges are only Rs.6 crores less than the traffic receipts in the best year." Do you mean gross traffic or net traffic?—I think I mean gross traffic.

16,002. I do not think you do, Mr. Dewar. I think if you look at the figures it is net traffic?—I took the figures from the Railway Budget Statement. I have got a copy of it here.

16,003. I will consult that?—You will find a Statement attached to the Railway Budget giving all the receipts and payments for the last 10 years.

16,004. May I ask whether you got this from the Railway Budget Statement "The total loss of the railways as the result of the last three years' working is Rs.23½ crores, despite the fact that the expenditure on replacements has been Rs.9 crores below the normal figure." I

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Mr. DOUGLAS DEWAR.

[Continued.]

do not understand that. What is the meaning of it?—This is again taken from the Railway Depreciation Reserve Fund. It is given in Appendix V to the Statement. We have each year appropriations to the fund and withdrawals to meet the cost of renewals and replacements. In 1924-25 the appropriation was 10 35 crores, and it has been 10-67, 10-89, 11-38, 12-59 and 13-75. Now the withdrawals in 1924-25 were 7.29.

16,005. Withdrawals from what?—From this fund. They pay in and pay out. They have to pay in so much and they withdraw in order to make replacements. The withdrawals, for instance, in 1928-29 were 9-60, in 1929-30 11 76, in 1930-31 11-39, in 1931-32 8 26, in 1932-33 5-60.

16,006. As an accountant, you will agree with me that the statement that the result of three years' working total loss is 23 crores—what has been spent on renewals during that year—has nothing to do with that statement?—I do not say it has.

16,007. What I am getting at is this. Do you mean that that Rs.23½ crores include 9 crores and no more which have been spent on renewals?—No, it does not include the renewals figure at all. I am taking the money they have withdrawn first for their Railway Reserve Fund.

16,008. What did they withdraw for their Railway Reserve Fund? Mr. Dewar, may I bring it to a point like this: Is it not true that in the year you mention the total loss of the railways as the result of the last three years' working is 23½ crores; that that loss is arrived at after debiting no less than 26 crores, not 9 crores, but no less than 26 crores, to depreciation? It is perfectly true that only 9 crores were spent on renewals in that period?—They place into the Depreciation Fund so much and then they withdraw so much, and they have withdrawn in 1931-32 4-25.

16,009. It is not a question of what they withdrew but what they put in. The point is that you have given the impression in your Memorandum that a loss on the railways was incurred, although the provision for depreciation, obsolescence and renewals was very much reduced—reduced to 9 crores. As a matter of fact the sum provided for those purposes was no less than 26 crores, although only 9 crores were spent out of that fund during that period?—Let us take the year 1932-33; the ordinary working expenses are given as 49-10 crores, interest 32-94, miscellaneous expenses -05, replacements 5-60; that equals

87-69, gross traffic receipts 86-50; loss on that 1-19. Then add the money that should have been spent on replacements.

16,010. What do you mean by "should have been spent on replacements"?—If you do not spend it on replacements you are using your capital. You cannot go on for ever not replacing your rolling stock.

16,011. What do you mean in your accounts by referring to what ought to have been spent on replacements?—If you are not replacing you are drawing on your capital to that extent.

16,012. May I suggest to you, Mr. Dewar, that you are reading figures which do not show the amount put to depreciation at all?—I am reading figures. I do not think the amount that should be placed to depreciation comes in here at all. I am now going to give you the amount that was actually spent and ought to have been spent in order to keep the rolling stock up to its proper standard.

16,013. I think you are confusing the charge for depreciation which constitutes a reserve and the amount which is spent out of that reserve in any one year, and I think if you look further into the railway accounts what you have said here gives a totally false impression of railway finance, bad as the railway position in India is at the present moment?—I am afraid I am not prepared to accept that.

Sir Joseph Nall.

16,014. Does that mean on the figures that Mr. Dewar was just reading that if a provision of 26 crores ought to have been made for depreciation the loss would have been very much greater than he has endeavoured to show?—What I mean is that if they had paid what should have been paid to keep the stock up to standard they would have shown more expenditure and the loss would have been greater, and the fact that they have not paid that from an accountant's point of view is shown as so much loss, so to speak.

16,015. Is your figure of loss after providing for depreciation or not?—I am providing for what they actually did spend on depreciation. They are supposed to spend and they ought to spend something like 11 crores a year to keep the thing up to standard. They have been spending nearly 6 crores instead of that, and I have shown the difference between what they ought to have spent and what they have spent in order to get

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Mr. DOUGLAS DEWAR.

[Continued.]

a proper account of the state of the railways. Of course, if you spend no money for two or three years on repairs you can probably show a profit for those particular years.

Lord *Eustace Percy*.] May I just say in reply to Sir Joseph Nall's question that my understanding of the position is that the figures that Mr Dewar has quoted, although I think he does not realise it, show a loss of 23½ crores after providing 26 crores for depreciation.

Sir *Joseph Nall*] That is what I understood.

Mr. *R A Butler*.] That is as appears in the Railway Budget.

Witness] They spent quite a lot on depreciation. They spent, according to me, about 20 crores on replacements.

Lord *Eustace Percy*.

16,016. That is their withdrawal on their Depreciation Fund. It is not what they have put into the Depreciation Fund, Mr. Dewar. But perhaps we may wait for the Government's Memorandum upon these points?—In spite of all these enormous sums they have put in, there are only 13 crores in the Depreciation Fund to-day, I understand. Though they have put in all these sums on paper there are only 13 crores in it, I understand, to-day

Lieut.-Colonel Sir *H. Gidney*.

16,017. Is there such a thing as a Depreciation Fund there or is in the general revenue? It is only an imaginary fund?—It is a book transaction, I suppose, but they actually allocate the money to this.

16,018. Is it allocated specifically to railway expenditure?—Yes; under the Statute they have to put a certain portion of capital apart from depreciation.

16,019. Could you give a rough estimate of what is the annual amount spent on renewals? While I agree with you entirely that there are lakhs and crores standing completely at a standstill in India to-day and no renewals, what do you put down as your annual estimate for renewals? Have you any idea of what the estimates are per year?—I have got the actual figures for renewals, to meet the cost of renewals and replacements each year.

16,020. It is a good few crores, I know?—Shall I take 1927-1928?

Mr. *R. A. Butler*.

16,021. May I suggest, my Lord Chairman, that it is all set out in the

Railway Budget?—It is all set out in the Railway Budget; I am simply taking my figures from this.

Sir *Manubhai N. Mehta*.

16,022. In your Memorandum 75, Mr. Dewar, you make a very sweeping generalisation that on account of rapid Indianisation there have been wholesale frauds and defalcations. You say "that the replacement of European by Indian supervision is likely to lead to similar results can, I think, be demonstrated by such facts as the number of defalcations of municipal and district boards funds that come to light." May I inquire if you were in India at the time of the Bombay Development frauds?—Can you give me the year of those frauds? I certainly was not Accountant-General at the time in Bombay.

16,023. When did you return from India?—In 1922, I think it was.

16,024. So you may not be aware of them?—There were no frauds in my time as far as I know.

16,025. So you could not have heard of the Bombay Development frauds or the Improvement Trust defalcations?—No, I am afraid I have not heard of those.

16,026. And you could not have heard of the Crawford Commission frauds?—No.

Dr. *Shafa'at Ahmad Khan*.

16,027. Mr. Dewar, in your Memorandum 75 you make the following statement: "Much of this increase is the result of the recent administrative changes in the Government of India." You follow up this statement with three tables, comparing the expenditure in 1864-65, 1911-12 and 1930-31?—Yes.

16,028. We need not concern ourselves with the year 1864. Let us take the years 1911 and 1930. According to your figures which you have supplied there was an increase of 112 crores between 1911 and 1930. I am quoting that from your figures?—Yes.

16,029. You will notice that the Army expenditure increased by 27 crores between 1911 and 1930?—Yes.

16,030. Do you attribute this increase to administrative changes due to the Reforms?—No, I understand it was due to the organisation of the Army expenditure—the military expenditure.

16,031. So they are not due to the Reforms?—No, not at all.

16,032. Again, take railway expenditure, which has increased by over 15 crores: surely, Mr. Dewar, you do not



7<sup>o</sup> Novembris, 1933.]

MR. DOUGLAS DEWAR.

[Continued.]

mean to suggest that this increase is also due to the Reforms?—No.

16,033. You do not suggest that?—No.

16,034. You will observe that the railway receipts have also gone up by 15 crores. I am again quoting from your figures?—Yes. May I say that the words I use are "much of this increase," not "all of this increase"?

16,035. Let us take another big item of increase. Interest charges, which have increased from two crores in 1911-12 to 20 crores in 1930-31?—Yes.

16,036. I presume you are aware why India's debt has increased since 1912?—It has increased for many reasons, of course: new works and things have been undertaking, and a certain amount of borrowing for unproductive expenditure.

16,037. Do you know that India paid altogether over Rs.300 crores directly and indirectly towards Great Britain's war expenditure?—I take your word for it, but I did not know it.

16,038. And that a good portion of this sum was found by borrowing?—So I have been just told. I suggested, you know, that it was met by these appropriations, but I am told it was met by borrowing.

16,039. Then I do not suppose you will dispute that most of this increase was not due to the Reforms?—Most of the increase you have mentioned certainly was not due to the Reforms. I use the word "much," not "most."

16,040. Let me pursue this line of argument. Take another big item, Civil Administration, the expenditure on which has increased by a very large sum?—That is a big proportionate increase.

16,041. I am coming to that. You know that on account of the enormous increase in prices the salaries of the I.C.S. and other All-India Services and also of the Subordinate Services were increased substantially?—Not the salaries of the I.C.S., I am afraid. We were rather sore about it, you know. I had to write to some of the gentlemen and tell them they lost pay under the new scheme.

16,042. I am talking of 1925?—Of course, I am only speaking of my time.

16,043. This increase, I take it, was not due to the Reforms?—I do not know, as I say, that it was due to the Reforms, but I think the increase of pay of the Lieutenant Governor was due to the Reforms. I should call that due to the Reforms, for example.

16,044. But the other increases I have mentioned were not due to the Reforms,

were they?—If they simply increased the scale I would not say they were. It depends upon whether you change the name of a man's appointment and give him different pay.

16,045. Now, Mr. Dewar, what are the increases that are the result of the Reforms: Are not they, in the first place, salaries of Ministers and Executive Councillors; in the second place, the cost of legislative bodies, including the cost of elections; and in the third place, the cost of the headquarters secretariat establishment, though in this case the increase is partly due to the increased development of the nation-building departments?—Is not that the direct result of the Reforms?

16,046. I have admitted that. I have had the total figures for these three items compared and I find that the increase was only a little over a crore—not more than the cost of the concessions given to the All-India Services by the Lee Commission. The cost of the increase which I have just mentioned was a little over a crore?—Are you dealing with the Provinces or with the Government of India?

16,047. With the Provinces, of course; there are no Ministers in the Government of India. You will also notice that the bulk of the increase is under District administration?—Yes.

16,048. Now, I sum up the result of these various items: The Reforms are responsible for less than 1 per cent. of the total increase. Do you agree that your statement that much of the increase is due to the administrative changes consequent upon the Reforms is, if I may say so, inaccurate?—If your figures are right, but there are probably other items we have not considered, of course.

Mr. R. A. Butler.] Would Dr. Shafa' at Ahmad Khan excuse me for a moment, because there are some figures in paragraph 5 of your Memorandum in which you use this phrase: "That the Reforms are largely responsible for the recent increases in the expenditure, is shown by the fact that the charges under the head of General Administration (including audit) in India rose," and then you proceed to quote some figures.

Dr. Shafa' at Ahmad Khan.] I am coming to that. I shall deal with it separately.

Mr. R. A. Butler.] If you please.

Dr. Shafa' at Ahmad Khan.

16,049. Would you turn over to the page of your Memorandum headed



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[Continued.]

Table IV, Mr. Dewar? On this page you quote approvingly a statement by Mr. Trevelyan made nearly 70 years ago, about the Income Tax?—Yes.

16,050. I presume you consider this a bad tax?—Yes, I consider Income Tax a bad tax.

16,051. Is your opinion supported by any modern economist or financier, either here or anywhere else, that Income Tax is a very bad tax?—I do not know. It is a bad tax, especially for a country like India, where it is so hard to get at the people's income.

16,052. Has not the graduated Income Tax been regarded in modern conditions as the ideal tax, though opinions have, of course, been divergent as to the advisability of a very high rate of tax?—I say it is a very bad tax because it is easy to increase and it leads to extravagance. It is so easy to put on so many annas in the rupee and become extravagant. That is why I think it is a bad tax.

16,053. Would you turn to pages 9 and 10 of your Memorandum No. 75? On page 9 you give certain statistics regarding the increase in the number of educational and medical institutions in the pre-Reform period?—Yes.

16,054. And on page 10 you quote a passage from paragraph 400, Volume I, of the Simon Commission Report, that, owing to the financial embarrassments of the Provincial Governments during the first three years of the Montagu-Chelmsford Reforms, the expenditure on the Transferred Departments in 1923-24 was actually less than it was in the year 1921-22?—Yes.

16,055. I do not know what inference you want the Committee to draw from this, but may I draw your attention to the preceding paragraph in the Simon Commission Report, paragraph 399, Volume I? Have you got that with you?—No.

16,056. In the paragraphs these financial embarrassments are explained. One of the principal causes why there was no money for development of education and sanitation was because the salaries of the All-India Services and Subordinate Services had to be increased on account of the rise in prices after the War. That was one of the principal causes. You do not object to these increases in salaries, Mr. Dewar, do you?—No, not if they are justified, because I think, if necessary, you must do so. It is unfortunate for the taxpayer, of course, with whom I

sympathise, but if they are necessary, they must be made.

16,057. Then as regards expenditure on education, medical relief, and public health, may I draw your attention to the statement at the end of paragraph 261 of Volume II of the Simon Commission Report, in which Sir Walter Layton gives figures showing the enormous increase in the expenditure upon these services between the years 1922 and 1930? You have not consulted those figures?—No.

15,058. Would you now turn to pages 11 and 13 of your Memorandum? On these pages you have given a lot of statistics showing the deterioration of the financial position of the Provinces?—Showing the fall in revenues, yes.

16,059. The financial position?—Yes.

16,060. These statistics are very interesting and we are much obliged to you for collecting them, but what I want to know is this: What inference do you desire the Committee to draw from them, because you say in the middle of page 13 that the trouble is not by any means due to the Reforms. What is the object in giving these statistics?—My contention is that the White Paper proposals are going to be a very great financial burden to India and you have got to consider, not only the extra cost, but what I consider more important, a fall in revenue, which is likely to follow in the case of administration. You might say you had an administration of experts who had been trained from boyhood and you are more or less going to pass the work to amateurs less experienced, and I feel that that will inevitably lead to a fall in revenue. I think since the Montagu-Chelmsford Reforms there has been a fall in revenue, partly owing to the new administration being on the whole less efficient than the older one. It is very difficult to prove that you are going to have a fall in revenue or when there has been a fall in revenue, and it is very difficult to prove to what it is due; but in my belief there is likely to be a falling-off in the efficiency of administration under the new Constitution, at any rate, in the preliminary stages, especially when you get all these senior officers retiring suddenly on proportionate pensions as happened in the case of Ceylon the other day and as happened under the Montagu-Chelmsford Reforms. You get these experienced officers leaving and being replaced by junior men. That I think you will find is partly the cause of the fall in revenue—not the

7<sup>o</sup> Novembris, 1933.]

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[Continued.]

whole cause, of course, because we have seen the economic slump which has taken place.

Lord Eustace Percy.

16,061. Might I just ask Mr. Dewar this. What puzzles me on page 12 is that it appears to me the fall in Land Revenue is considerably greater than the fall in the other source of revenue, or at least comparable to the fall in any other source of revenue?—There, again, it is a question of the remissions and things and the revenue falling off. It is a question of remission on account of hailstorms and drought, and if you have not got an experienced Revenue Officer to check a claim for remission you may get undue remissions coming in.

16,062. Land Revenue is not a Transferred Department, is it?—No, but the unfortunate overworked collector might easily not be able to give sufficient time to his remission work.

16,063. You mean that the deterioration is as much in the reserved as in the transferred departments?—I do not say that at all; I have not gone into that question.

Dr. Shafa'at Ahmad Khan.

16,064. In your Memorandum No. 75 you comment on the increase in India's public debt between 1913 and 1931?—Yes.

16,065. Have you analysed the causes of this increase? What are the causes of this increase?—The cause is borrowing. You say what is the cause of borrowing? That is a very big question. I simply point to that fact that the debt has increased.

16,066. Do you know, out of the increase of £500,000,000, over £110,000,000 was due to India's gifts to Great Britain for War Expenditure?—I was told £100,000,000.

16,067. In the next place nearly £100,000,000 was due to Budgetary deficits due to Frontier Wars and increases of salaries?—We had all these difficulties beforehand, yet the debt did not rise. We had famines, and all these Wars and things in the old days.

16,068. I am talking of the period mentioned. Lastly, another £200,000,000 was due to the construction of new railways?—Yes.

16,069. This is how we account for £500,000,000. Do you object to any of these, or do you suggest that the increases are due to the reforms?—No; I do not think I have hinted that anywhere. The debt has risen; the only bad

thing would have been the unproductive debt.

16,070. I may have been mistaken, but I thought the whole of the drift of your Memorandum was that the increase was due to the Reforms?—I do not think so.

16,071. May I ask you to go a little farther on in the Memorandum?—Yes.

16,072. I have already dealt with the statement that the Reforms are largely responsible for the recent increases in expenditure. You state that 558 officers have retired on proportionate pensions since the Reforms, and these have cost over 1 crore of rupees annually. Am I correct?—"Must cost," I said.

16,073. The highest pension (with the exception of a few persons such as High Court Judges) admissible is £1,000 in the case of the Indian Civil Service?—Yes.

16,074. You agree with me there?—Yes.

16,075. The Members of the other Services get very much less comparatively?—Yes.

16,076. And persons who retired prematurely did not get their maximum pension?—No; that is so.

16,077. How did you get this estimate?—I thought about £500 a year each. I cannot tell you what figure I worked it out at. I probably worked it out at £500 a year as an average. I think I probably took an average of £500 a year for these.

Sir Phiroze Sethna.] Your average works out at £1,130. You say 558 officers retired, and that the extra pension costs a crore. A crore divided by 558 means Rs.17,000 a year or £1,130. I think you are very far out there, more than double.

Dr. Shafa'at Ahmad Khan.] I will not pursue this any further.

Sir Hari Singh Gour.

16,078. I should like to ask you a few questions, Mr. Dewar. You have said that you stand for cheap administration?—I do not know that I used those words, but still I think the cheaper the administration if it is efficient the better, certainly.

16,079. I thought the whole of your argument was that you stand for cheap administration. Can you suggest to me how you are going to get cheap administration? Do you think the Civil Service is a cheap administration?—I think as India was run before the Montagu-Chelmsford Reforms it was a cheap ad-

7<sup>o</sup> Novembris, 1933.]

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[Continued.]

ministration, because you had a comparatively few well-paid officers that controlled, more or less efficiently, a large staff of lowly paid people, so the result was that you got a cheap administration.

16,080. But it has been pointed out to you that since the Montagu-Chelmsford Reforms, there has been only an addition of a crore of rupees in the cost?—That is what is said.

16,081. Do you complain of the additional burden of 1 crore of rupees?—I think there are many other items included there. You see increased pensions for all these people and things like that; no word has been said of that. If you increase your establishment charges your pension charges *pari passu* go up. I have taken this gentleman's statement that it only works out at a crore and a fraction, but you have the extra buildings to house more people, and so on, as you increase your establishments.

16,082. Can you give us a figure showing the increase of expenditure directly due to the Reforms?—I should think that is quite impossible.

16,083. Therefore it must be a matter of guesswork as to how much it is?—Yes.

16,084. If there has been this increase of expenditure, can you tell us whether that increase of expenditure could have been avoided, and was that increase of expenditure inconsistent with the natural development of the country?—Inconsistent with it?

16,085. Can you tell me that that natural increase of expenditure, since the Montagu-Chelmsford Reforms, could have been avoided if there had been no Reforms?—You certainly would not have this enormous secretariat you have now. In my Province, the United Provinces, you would still have had a secretariat of, say not more than 10 men instead of 40 men.

16,086. I put the previous question to you, namely, that we will assume that the total expenditure due to the Reforms would be, say, according to Dr. Shafa'at Ahmad Khan, about a crore of rupees. According to you, it may be two crores?—I will not even admit that it is as small as that.

16,087. We do not know what would be the amount and, unless we know the actual amount of expenditure, we are not in a position to say as to how it compares with the total increase of expenditure in India?—No; that is so.

16,088. Apart from the Reforms, has not the Revenue of India gone down on account of the opium policy of the Government?—Yes.

16,089. Which was dictated by Parliament here, by the House of Commons?—It was certainly from England.

16,090. The doctrinaires in England forced upon India the policy of abandoning their income of 9 crores of rupees?—India had no say in the matter.

16,091. Do not you think the Indian has a grievance that he has to sacrifice 9 crores of revenue? You would give India a voice. Would not that be a *casus belli*? Would not India expect to be heard because her revenue has been seriously sacrificed by the House of Commons behind her back and without hearing her?—I certainly think India should be heard on that point.

Sir *Hari Singh Gour*.] That is exactly what the reformers try to do.

Sir *Joseph Nall*.] Does Sir Hari Singh Gour suggest the opium traffic should be revived for the purpose of increasing the revenue?

Sir *Hari Singh Gour*.] I was dealing with an illustrative case and, if the question had required it, I would have turned to the Military policy, which comes from this side of the waters and, if time had permitted, I would have given you a number of instances of how India's interests have been sacrificed by your House from time immemorial, and which, according to the witness, testifies to the measure of the larger introduction of reforms in which the Indian taxpayer should have a voice. On that point, the witness and I now agree.

Sir *Pheroze Sethna*.

16,092. Mr. Dewar, you seem to be emphatic in your opinion that the payment of proportionate pensions is a heavy drain on the Government of India?—I think it is rather rough on the taxpayer to have to pay for people like this.

16,093. Your contention is that it would cost more to the Government of India?—Certainly it is an extra cost from which the taxpayer, in my opinion, gets no *quid pro quo*.

16,094. I know you have been Accountant-General, but I would like to put some figures before you, and I would like you to correct me if I am wrong, because I contend the payment of proportionate pensions is a gain to the country. A man retires on pension after

7<sup>o</sup> Novembris, 1933.]

Mr. DOUGLAS DEWAR.

[Continued.]

putting in 25 years' total service, or 21 years' active service. Take the case of a collector. Suppose he retires after 19 years' active service, and has reached his full time limit in point of pay, which is Rs.2,600 a month, because he retires after 19 years he will not get his £1,000 as pension, but will only get about £900?—Yes.

16,095. £900 works out at Rs.1,000 *per mensem*, therefore the Government is saving a salary of Rs.2,600 but pay a pension of Rs.1,000 *per mensem*; therefore, it is a saving of Rs.1,600 *per mensem*. The Government have to put in a new recruit who starts at Rs.600 a month. The Government have to advance another collector to the top position and would have to pay him about Rs.300 a month more?—Yes.

16,096. Which would mean against the Rs.1,600 the Government will have to pay Rs.600 plus Rs.300, Rs.900, and yet there would be a saving of Rs.700 a month for the Government. I know the recruit will not be stationary at Rs.600, but he will go on getting more. The retiring officer, had he stayed out his full time, in another 4 years would be entitled to his full pension?—Yes.

16,097. Whilst the recruit might not have reached Rs.1,000, therefore, on the whole, this is a saving. I would like you to correct me if I am wrong?—May I put it in this way? If you are right, if India was to retire everybody tomorrow on proportionate pension, India would gain by it, on your showing.

16,098. I have not been an Accountant-General, but these are figures as I have worked them out and I would like you to check them and let me know if I am wrong?—The gentleman you talk about would get his £1,000 a year pension. He might have died next year, and the Government of India would have to pay him nothing, and the longer he stays on the worse his health is. There are many other factors.

Sir *Phiroze Sethna*.] That would not enter into the question at all?

Lieut.-Colonel Sir *H. Gidney*.] There is the average duration of life.

Mr. N. M. Joshi.

16,099. One question on Memorandum No. 76. You suggest that under the reforms there would be an increased cost of audit?—Yes.

16,100. Under that paragraph, you have shown that if there is more money spent on audit there is more money

obtained?—I would not say more revenue. There is less chance of leakage of revenue; I would put it that way.

16,101. You yourself said "The temporary appointment of two auditors to enquire into the extent of the leakage of stamp revenue"?—Leakage.

16,102. The Government got more revenue by appointing more auditors?—I wish, as an audit officer, I could make more revenue. All we can do is to prevent leakage of revenue by the audit.

16,103. If there were two more auditors appointed, they would bring in more money?—It depends on the amount of leakage. If there was no leakage, they would bring in no money. Auditors cannot make money, unfortunately.

Mr. Butler.

16,104. There is an important point on Memorandum No. 75 arising out of the point raised by Dr. Shafa'at Ahmad Khan; you state that the reforms are largely responsible for the recent increase in expenditure. Dr. Shafa'at Ahmad Khan has already given us some reasons why he disagrees with you. May I put to you that your thesis is that you would expect the costs of general administration to rise approximately with the total expenditure, and that, since the total expenditure has approximately doubled, you would expect the cost of general administration approximately to double in the period of years which you take?—That would not be unreasonable, I think.

16,105. You accept that?—Yes.

16,106. And in these figures as quoted in the fifth paragraph it is seen that the cost of administration has increased five-fold in the last year you mention—1930-31. May I put it to you that in 1921 there was an alteration in the grouping of the accounts. This change was made with the "general charges of District administration," which had previously been entered partly as expenses of collecting Land Revenue and partly under Law and Justice, "were included under the head of General Administration," and the effect of that is that your figures are, therefore, for these two sets of years, not comparable, because there has been a change in the grouping of the accounts?—I was not aware of that fact, and, of course, audit comes in as well. Audit used to be included. From year to year they make changes in the accounting, and I had not got access to any India Office figures. I had to do the best I could without any figures.

7<sup>o</sup> Novembris, 1933.]

Mr. DOUGLAS DEWAR.

[Continued.]

16,107. I quite appreciate your difficulty, that the fact of altering the charges of District administration and entering them up on the same basis on the two years you take would result in a completely different finding from that which you include in your Memorandum, and the thesis which I put to you at the beginning would in fact prevail. I have the actual figures here. The charges for general administration amount approximately to 922 lakhs and if you subtract that you get a figure of 593 lakhs, as compared with 289 lakhs in 1913-14, and that is approximately in the ratio of two to one instead of being in the ratio of five to one as included in your Memo-

randum?—That is quite against the Secretariat figures—the increase in the number of officials in the Secretariat.

16,108. I put it to you that the difficulty into which you have fallen arises out of a change of the grouping of accounts which took place in 1921, and therefore makes these two figures you put here non-comparable, and the general deduction you seek to draw therefore does not prevail?—If the figures are changed, of course the deduction is changed likewise.

*Chairman.*] Thank you, Mr. Dewar. We are greatly obliged to you for having prepared these Memoranda and having come to give evidence to-day.

(The Witness is directed to withdraw.)

Ordered, That the Committee be adjourned until to-morrow evening at Five o'clock.

### DIE VENERIS, 10<sup>o</sup> NOVEMBRIS, 1933.

#### Present:

Marquess of Salisbury.  
Marquess of Zetland.  
Marquess of Linlithgow.  
Marquess of Reading.  
Earl Peel.  
Lord Middleton.  
Lord Ker (Marquess of Lothian)  
Lord Hardinge of Penshurst.  
Lord Snell.  
Lord Rankeillour.  
Major Attlee.

Mr. Butler.  
Major Cadogan.  
Mr. Cocks.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Morgan Jones.  
Sir Joseph Nall.  
Lord Eustace Percy.  
Miss Pickford.  
Earl Winterton.

The following Indian Delegates were also present:—

#### INDIAN STATES REPRESENTATIVE.

Mr. Y. Thombare.

#### BRITISH INDIAN REPRESENTATIVES.

Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Mr. A. H. Ghuznavi.  
Lieut.-Colonel Sir H. Gidney.  
Sir Hari Singh Gour.

Mr. M. R. Jayaker.  
Mr. N. M. Joshi.  
Dr. Shafa'at Ahmad Khan.  
Sardar Buta Singh.  
Mr. Zafrulla Khan.

The MARQUESS OF LINLITHGOW in the Chair.

Lieut.-Colonel Sir HENRY GIDNEY, M.L.A., I.M.S. (Retired), is examined as follows.

*Chairman.*

16,109. Lieut.-Colonel Sir Henry Gidney, you have handed in a Memorandum of the evidence which you

propose to give on behalf of the Anglo-Indian and Domiciled European Association of India?—Yes.

16,110. That Memorandum is Numbered 73?—Yes, it is as follows.

10<sup>o</sup> Novembris, 1933.]

[Continued.]

**MEMORANDUM 73 BY LIEUT.-COLONEL SIR HENRY GIDNEY, M.L.A., I.M.S.  
(RETD.) ON BEHALF OF THE ANGLO-INDIAN AND DOMICILED EURO-  
PEAN ASSOCIATION OF INDIA.**

**A.—INTRODUCTION.**

The history of the Anglo-Indian and Domiciled European Community forms one of the brightest and, at the same time, one of the most tragic pages in the history of the British Empire. It is the brightest in regard to its record of untarnished loyalty and patriotism and its devotion to duty to the King and Empire, no matter when the call was made and its services in the establishment of British rule and administration in India and its revenues. It is the saddest in that, in spite of these services, it finds itself, as the result of political and administrative changes in India and the demands of more powerful and clamant communities, in the unenviable position of being crushed out of existence by deprivation of employment, between the upper millstone of official expediency and policy and the nether millstone of Indianisation of the Services. To-day, it is the "not wanted" of both the European and the Indian. Its economic position is unprotected and uncertain, and its future is becoming increasingly perilous, to the extent that it is being deprived of the right to live in India, the country it has served so steadfastly and so well. Indeed, the insistent demands of some of the majority communities, accompanied with threats of strikes and reprisals in their refusal to co-operate with the Legislatures during the Budget Demands for Grants, have had so irresistible and compelling an effect on the Government and its officials, that the community, which is not only numerically weak, but is very inadequately represented on the Legislatures, has been and is being used by Government as its common sacrifice on the altar of political expediency, in its efforts to satisfy the demands of other more powerful communities and so secure their support in the administration.

The cumulative effect of this policy has been that, while in 1921, before the Montagu-Chelmsford Reforms began to operate, there were less than 1,000 unemployed Anglo-Indians and Domiciled Europeans in India, to-day, after a decade of the operation of the Reforms and the introduction of Indianisation of the Services, nearly 20,000 or more than one-third of the total able-bodied men of the Community are unemployed, the majority of them being homeless and in

rags, roaming the streets in quest of food. Thousands of Anglo-Indians, including many with a fine record of military service, are dependent on charity for the very means of keeping body and soul together.

The most distressing feature of our economic tragedy is to be seen in the hundreds of young men (and women), descendants of the pioneer Britisher, who are annually leaving our excellent Public Schools in India, well educated, with a higher percentage of graduates per ratio of population, than any other community, well developed, loyal to the core and keen sportsmen (it was men of this type who formed three-quarters of the first and one-half of the second Hockey teams who beat the rest of the world at Olympia) unable to secure employment anywhere, except at a wage on which they cannot possibly exist, but which many have been forced to accept rather than starve—e.g., Anglo-Indian and Domiciled European young men, whose education cost their parents on an average over Rs.50/- per mensem, are, to-day, told they can only be engaged in the Loco. Department of the Railways, on a pittance of Rs.10/- p.m. or about 5d. per diem; this, because the Indian can subsist on this wage and we are told to take it or leave it, as there are thousands of Indians ready to accept such appointments. And, yet, it is from this Community alone that Government compels enlistment in a Voluntary Force—the Indian Defence Force—as a condition precedent to Railway employment, while no such term is demanded from an Indian employee. This is the toll that one decade of the Reforms and Indianisation of the Services has exacted from the Community.

It is true that in numbers we are one of the smallest of the Indian minorities represented here to-day, but our stake in India, our interest in her future destiny and the part played by us in her defence, development and past fortunes, and to be played by us in the future, are in no way commensurate with the mere numbers of the community.

In the first place, we represent in our very bodies a synthesis of India and Britain as no other people do or can do, a fusion of East and West, which in other Indians or Britons, can exist only as a fusion of interests in politics and economics. Moreover, we are the sons of the

10<sup>o</sup> November, 1933.]

[Continued.]

soil, a people whose roots are deep, not only in the soil, history and traditions of India, where we live, work and die in the pursuit of our daily avocations, but in the soil and history of this great country—England—to whom we make this appeal, not as beggars, but as suitors in a just cause; a community devoted to India—our Motherland—and anxious for her advancement, but it must be admitted under some suspicion because of our unflinching loyalty and devotion to our Fatherland—England. Whatever may be the case with other communities, our loyalty is to both these great countries; in the connection between them we find our truest welfare, and in the growth of affection, trust and union between them we find our highest happiness and contentment. Indeed, we are your joint responsibility and neither party can disclaim its honourable obligation to protect us.

Moreover, small as our community is, it has played a mighty part in the making of British India.

Modern India has been truly described as a country of communications and we claim that the Community has played a leading part in making and working these communications which are the framework of the nervous system of modern India. We go further and say that, without the community, these communications would not have been developed as early or as completely as they now are. We appeal confidently to the history of India to prove this. In an India there will not be found any community more steadfastly loyal, more industrious, more law-abiding and, in a word, more fully possessed of the virtues of good citizenship, than the Anglo-Indian community, and in pleading the cause of the Community, we would most earnestly ask our kinsmen on this Committee, British and Indian, to try to appreciate the value to the future India of such a body of citizens as is represented by the members of the Anglo-Indian and Domiciled European Community. In this Memorandum, the community asks for economic protection for at least 30 years, after which, it asks for adequate representation in all Government Departments, both Central and Provincial. During this short period, it merely asks that the number of posts it occupies to-day in the various Services be not reduced. Surely this demand is not excessive when one considers the great economic, military and administrative services rendered by it to India

and the British Empire. If this protection is refused, we sink; if it is granted, we swim, and shall, without doubt, play as great a part in the future as we have already done in the past India. Indeed, we respectfully desire to impress on the Committee that the decision they will make on our economic protection are matters of life and death, literally life and death, for us.

If our experience of the past few years is to continue, then indeed, we can see no hope for us. And there is another thing we want to say with all the seriousness and emphasis at our command; it is this. The treatment accorded to the Anglo-Indian community, small as it is, but with an unparalleled record of consistent and devoted loyalty to India and Great Britain, will be the touchstone by which the quality of Indian and British statesmanship and equity as represented in this Joint Committee will be judged in the future. We can be dispossessed of all that we have and truly ruined and dispersed as a community; that can be done quite easily. But if it is done, it will be done to the everlasting discredit of the two countries to which we belong. We do not want to make a begging appeal to retain as privileges the Government posts and other benefits which we have enjoyed in the past by virtue of service, tradition and fitness; rather we want to ask if it is not possible to embody in the new Constitution Act, a declaration with all the authority of India and Great Britain behind it, to the effect that we shall not be expropriated from our employments and the other positions which we have created by our labour and our service, merely because, in our origin, we are partly Indian and partly European. In short, we want to ensure that a progressive India will not result in a retrogressive Anglo-India.

It is said that the Reforms were given to India as a reward for her services during the Great War. We ask: is expropriation of our employment and the refusal of the right to live in our country, India, to be the only reward for our unparalleled services to the past and present India, especially during the past Great War, when we gave 80 per cent. of our manhood? Is India's gain to be our loss? Does India's construction connote our destruction and does the regeneration of India mean the degeneration of Anglo-Indians? Surely, no one desires this and, yet, this is exactly what will happen to the Community, unless its economic future is adequately and



10<sup>o</sup> Novembris, 1933.]

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statutorily protected and executive power be given to put this into practical effect.

It is in the realisation of these facts and the desire to remedy them before it is too late, that we, on behalf of the Community, appeal to the Joint Parliamentary Committee, representative as it is of the British nation which we have served so nobly, so loyally and so well, as also to our brother Delegates from India—the British India Delegation—who are well aware of the economic tragedy facing the Community, both of whom we look upon as our Co-Trustees and to whom we are a joint responsibility, as also to the British Parliament, to save a race whom they have jointly brought into being from this terrible disaster, by statutorily protecting our economic future in the New Constitution Act.

In support of this demand, we respectfully submit this Memorandum for the sympathetic consideration of the Joint Parliamentary Committee.

The main object of this Memorandum is to place before the Committee a short review of some of the services rendered to the Empire in general and to India in particular by the Domiciled community in India; to summarise, by a comparison with the past, the present position the Community occupies in the various Government of India services, with a view to safeguarding its future position, and to ask that the Community be given statutory economic protection for a sufficient period to enable it adequately to adjust itself to the altered conditions in India, especially as will obtain after the operation of the New Constitution Act.

But we feel that no account of our present disabilities and expectations would be complete without some reference to the varying fortunes of the Community, which go far to explain the position it occupies to-day in the eyes of the Government and the people and the curious and conflicting views which prevail as to its quality and calibre. Before dealing with the many points on which this Memorandum is based, it is necessary to make a few general observations, all of which have a direct and important bearing on the economic protection of the community and the demands contained therein.

#### B.—THE ASSOCIATION.

The Anglo-India and Domiciled European Association of All-India is an

organisation of the domiciled community in the country, with Branches in over 70 different stations in India and with a membership of many thousands. It is, together with the Anglo-Indian and Domiciled European Association of Southern India, the only body recognised by Government as voicing the authoritative views of the Community.

It was founded about 60 years ago and is registered under the Indian Companies Act of 1913. The administration and management of the Association are vested in the Governing Body, which is appointed annually and is representative of every Province throughout India. The vast majority of its members are employed in the All-India Government Services and a few in the Provincial Governments.

#### C.—THE COMMUNITY.

The Community is, to-day, composed both of Anglo-Indians, being persons of mixed parentage of European descent in the male line (mainly the third and fourth generations of such unions) and all Europeans born or domiciled in India and not "established for temporary purposes only." Together, they are known as the Domiciled Community of India.

Despite their economic difficulties which will be set forth later in this Memorandum, they continue to maintain the religion, mode of living, social habits and ideals of their European ancestors. They are a cent-per-cent. literate community in a country where about 8 per cent. are literate, and, since their political and economic interests are identical, they are more markedly homogeneous than any other community in India.

As far as occupations are concerned, the Community which is largely urban, has a special aptitude for technical and industrial pursuits and by their courage, initiative and reliability its members have proved themselves eminently suitable for employment in the Railways, Telegraphs, Customs, Police, Indian Medical Department and other allied Services. About 85 per cent. of its working members are employed in the Central Government of India Services. Anglo-Indian women have, for years, formed the mainstay of the nursing staffs of the Hospitals and are employed in large numbers in European schools and Missions, as also in the Mercantile offices and shops. The Community has always been a source of strength to the Govern-

10<sup>2</sup> Novembris, 1933.]

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ment and can be made a very valuable asset to the country.

#### D.—HISTORY.

(1) *Past History*—Amidst the congeries of races which comprise the peoples of the vast sub-continent of India, the Anglo-Indian community, which has its own individual racial characteristics, is one of the very few that can lay claim to Indian birthright. Although its inception dates from the very early years of contact between Europe and India, the Community began to play a part in the history of the country nearly 400 years ago, a time which synchronises with the Portuguese settlements on the Malabar coast of India. But the descendants of the inter-marriage between these settlers and the peoples of India, have by now lost all trace of their European identity and, with very few exceptions, no longer exist nor form part of the present community. It was, however, in the year 1684 that the Directors of John Company wrote to their representatives in India, as follows:—

"The soldiers wives shall come to their husbands, if they can find means to satisfy, or pay, the owners for their passages, and for such soldiers as are single men, if you can prudently induce them to marry Ghentuese, in imitation of ye olde Dutch politiks and raise from them a stock of protestant Mestizees (Eurasians)."

So great was this union of European and Asiatic races that the offspring of such alliances came to be known as "Eurasians," a name which was officially changed in 1911 to that of "Anglo-Indians," during Lord Hardinge's régime as Viceroy, and to whom the Community owes a deep and abiding debt of gratitude.

Time was when the British in India and England were only too willing to recognise the importance and utility of the Anglo-Indian community; indeed, they made themselves directly responsible for the results of the deliberate policy of bringing into being a mixed population and we respectfully submit to the present Government, who are the successors of the East India Co., that they cannot, under any circumstances, repudiate the claims of the Anglo-Indian community to legislation that will actually guarantee their future in the

In the early days of the establishment of British power in India, the Community filled most of the posts of responsibility and fought and perished by the side of their British fathers and other relatives on many a field of battle. During this early period the Community "born amidst the clash of arms, played an important part in the consolidation of the British Indian Empire." It looked upon itself and was recognised as an inherent part of the European community in India—there was then no need or desire to classify them as Statutory Indians—and, side by side with its forbears, in whose religion, manners and customs it was born, grew up and laboured, it helped to lay the foundation on which eventually was built the great British Empire in India as we see it to-day. Indeed, "it mightily truly he said that during that long period of perpetual warfare the builders, everyone had his sword girded by his side and so builded." The time came, however, when the Community outnumbered the British in India and the Directors of the East India Company, perhaps mindful of the expulsion of the French and Spanish from Hayti by the Mulattoes of San Domingo, began to look upon it as an element of potential danger. The result was the crushing and cruel order issued by the Directors of the East India Company in 1791.

*"That no Person, the son of a native Indian, shall henceforth be appointed by this Court to appointments of Civil, Military or Marine services of the country."*

This was the first step in the gradual degradation of the Anglo-Indian and his relegation to a position of inferiority. For, in its application, this decree closed to the Community, not only all covenanted appointments which they were at that time holding, but also many of the subordinate positions in Government Services and it was only many years afterwards that this ban was removed. But rather than submit to this unmerited injustice the Community, expelled from the service of John Company, sought and secured employment in large numbers in the services of the Indian States, in which many of them rose to the highest offices of trust and responsibility.

But time has its revenges and perhaps no better instance of the irony of history can be found than the events which followed the report of Lord Valentia to

10<sup>o</sup> Novembris, 1933.]

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the East India Co. in 1806 on the Anglo-Indian menace (sic).

*"Their increase in India," he remarked, "is beyond calculation, and, though, possibly there will be nothing to fear from the sloth of the Hindus and the rapidly declining consequences of Mussilmans, yet, it may be justly apprehended that this tribe may hereafter become too powerful to control . . . With numbers in their favour . . . what may not in future time be dreaded from them?"*

The Sepoy Mutiny of 1857 proved how much was "to be dreaded from them," for, in response to the Nation's call to arms, be it said to the eternal credit and glory of the community employed in Indian States, that every one of them responded and joined up, and many of them gladly gave their lives for England.

The official records of the pre-Mutiny period, the Mysore, Mahratta, Sikh and other Wars, reveal the almost forgotten acts of heroism performed by the Anglo-Indian Community throughout that period. During the Mutiny, it was Brendish, the Anglo-Indian telegraphist, who, after his colleagues had been killed by the Mutineers, heroically stood at his post of duty at Delhi and by signalling his memorable telegram to Umballa, saved the Punjab; Hearsay saved Calcutta; Forgett saved Bombay; the Martinieri College boys defended the Lucknow Residency; the Madras Fusiliers (Anglo-Indians) covered themselves with glory; the Anglo-Indian Bengal Yeomanry saved the Britishers who were surrounded by mutineers at Arrah. The military annals of the British occupation of India abound with Anglo-Indian names known to fame, and their glorious deeds are writ indelibly on the pages of Indian history — Skinner, Hearsay, Rivett—Carnac, Foster, Palmer, Willcocks, to mention but a few. During the Great War, it was Lieut. Robinson, V.C., a member of the Domiciled Community, who brought down the first German Zeppelin in England, and Lieut. Warneford, V.C., another member of the Community, who brought down the first German Zeppelin in France. Indeed, there is abundant proof to establish the claim that, during the dark and stormy days of the Mutiny and before that period, when England was beset with enemies, it was the descendants of the pioneer Englishmen—the Anglo-Indian community—who remained steadfastly

loyal and helped England to retain India.

We submit that the military services rendered by the Community during this period should alone entitle it to-day, to special consideration and protection. It is a debt which England owes to the Community and which cannot be over-estimated, evaded, or forgotten. Indeed at that time, the Metropolitan of India, Bishop Cotton, in his sermon in St. Paul's Cathedral, Calcutta, on 28/7/1860, recommended that

*"public thanksgiving to Almighty God for deliverance from the Sepoy revolt, should take expression in the form of schools for the children of the Community, that has stood so nobly by England in her hour of need, and who had shed their blood for their kinsmen across the seas."*

In this, Lord Canning, the then Viceroy, joined *con amore*.

Coming to the last great extension of the British domain in India, the history of Upper Burma and its development, is one largely associated with the services rendered by the Anglo-Indian and Domiciled European Community in all Government Services.

(ii) *Present History*.—Subsequent to the Mutiny, when the attention and energies of the Government were devoted to the development of trade and commerce and to the stabilisation of the Civil administration of India, it was, again, the Anglo-Indian Community that came to its assistance and continued, as in pre-Mutiny days, to aid British administrators to build up, step by step, the most important revenue building departments of to-day to which separate sections of this Memorandum are devoted in the following pages. No one will deny that it was Anglo-Indian workers who helped to bring the Customs Department to its present-day high revenue value and who helped to develop roads, railways, river-transport and the telegraph system. The Community, along with the British, can also claim to have developed other Departments such as the Provincial Civil Service, Judiciary, Police, Excise, Salt, Opium, Forests, Survey and the Government of India and Provincial Government Secretariats, from all of which it has been or is being eliminated to-day. After the Mutiny, when the Volunteer Corps was re-organised, members of the Domiciled Community formed the major portion of it. In fact, so great was the enthusiasm and so spontaneous

10<sup>o</sup> November, 1933.]

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the enlistment on the formation of the Indian Defence Force during the past Great War, that elimination parades had to be held to bring the Force down to manageable dimensions. The Community, however, formed the bulk of it, even after thousands of Anglo-Indians had already enlisted in the British Army. The Community also contributed many hundreds of men to the Indian Army as Officers, many of whom were afterwards drafted to the standing Army. A number of them received Military decorations and more were mentioned in despatches. The Indian Medical Department, which is entirely composed of Anglo-Indians and Domiciled Europeans and which, for nearly a century, has attended to the medical needs of the British Army in India and on almost every battlefield in Europe and abroad, bears a record of war and professional service which any Community would be proud to possess. In addition, large numbers of our women were employed as Army nurses, while others helped to form working clubs where comforts were prepared for the use of our Forces. Almost 80 per cent. of the male adult members of the Community were engaged in every theatre of the Great War, and those that were not so utilised for services abroad, were enlisted in the Indian Defence Force and helped to maintain law and order in India at a time when the regular British troops were withdrawn for active service outside the country. This percentage, we submit, is unparalleled in any part of the Empire.

Turning our attention to the immediate past few years, during the Moplah rebellion, the 1919 Punjab and North-West Frontier unrest, the Civil Disobedience movement and the many economic and railway crises, the Community, which to-day, forms three-fourths of the Indian Auxiliary Force, the second line of defence of the British Army in India, has helped largely to maintain the peace and order of the country. It was a common sight, during the recent acute period of Civil Disobedience, to find at every railway station a lonely Anglo-Indian member of the Auxiliary Force standing, with his rifle in hand, behind sand-bags, protecting the lives and property of both Europeans and Indians, and, as members of this Force, Anglo-Indians have frequently been called upon to quell riots in the cities and also to protect the lives and property of the various railway administrations in India. And

yet, to-day, the Anglo-Indian is denied admission into the British Army on account of his origin, although during the past Great War, thousands of our men were freely enlisted in the British Army and even to-day there are about 1,000 of them still serving. Indeed, there was a time quite recently, when about 30 per cent. of the British Officers serving in the Indian Army were second, third or fourth generations of Anglo-Indian families. The community is also denied admission into the Indian Army lest it disturb the class homogeneity of that Force. But the most cruel and unjustifiable policy on the part of the Army authorities in India is their refusal, to-day, to recognise the Community as one of the "martial classes" of India, and we are told that the chief practical difficulty which prevents the Army authorities from creating an Anglo-Indian Unit or Battery of Artillery is that the Anglo-Indian cannot exist on the same pay as the Indian Sepoy, and, therefore, it would create an anomaly necessitating the introduction of a third-rate of military pay, to which the Government of India thinks there would be serious objections from the Indians, obviously forgetful of the fact that the White Paper is a bundle of anomalies. But if it be the intention of the Government to reduce the present strength of the British Army in India, we respectfully suggest it would afford an ideal opportunity for the creation of either an Anglo-Indian Unit or some Anglo-Indian Batteries of Artillery, and thus give the Community an honoured position in the defence of its own country.

Many promises were held out by the Government to those who went to the Front, but very few materialised, and although land was given as a reward to various Indians who served during the War, *we do not know of a single instance in which an Anglo-Indian, who answered the call of his King and Country, has been so rewarded.* Meanwhile, Government continues to draw upon our loyalty as a source of strength and stability. Repeatedly we have been placed to our detriment, as evidenced to-day, in the unfortunate position of open economic and political antagonism to our Indian brothers, especially that vast majority of our Community who are employed in the Indian Railways. It may, indeed, be said that our present insecure position and the manifest hostility with which we are regarded by a section of disaffected Indians, who look upon us in

10<sup>o</sup> Novembris, 1933.]

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regard to employment as aliens, the same as they do Europeans, is in consequence of our share in the maintenance of law and order, and we fear, especially if this section of Indians gets into power, it may still further recoil on our descendants.

(iii) *Civil Services*.—There is no doubt that the Anglo-Indian community has materially helped to lay the foundations, and to build, maintain and develop to their present states of efficiency, the various utility and revenue bearing Services of the Government of India and the Provincial Governments. The privations endured and the dangers to which these pioneer workers exposed themselves in the early days of Indian industrialism, when very few loyal and efficient workers were available, form a chapter in the history of India which must be read to be fully appreciated and, if possible, properly assessed at the *present time* when our need is so urgent and our reward has been fully earned. We feel we would not be exaggerating the case if we were to state that, had it not been for these pioneer Anglo-Indian workers and their loyal and steadfast services in those days, as also in the immediate present, when Government has been faced with many economic and railway crises, the revenues from trade and industries would not be at the high level which they are to-day. Indeed, with justifiable pride, we lay claim to be reckoned as one of the Empire Builders in India. We go further and affirm that, not only the revenues which the Government of India receives from the Customs, but also the immunity which the country has enjoyed from the chaos and dangers associated with the promiscuous importation of arms and ammunition, especially during the North-West Frontier Wars and Civil Disobedience Movement, has largely been due to the loyal, honest and efficient services of the Anglo-Indian community employed in the Preventive Customs Service. The same may be said with equal force and value in regard to the services rendered by the Community to the Railways, Posts and Telegraphs, and Police.

Subsequent chapters of this Memorandum will give detailed references to the three Services, Railways, Telegraphs and Customs in which the Community finds its chief avenues of employment and in which it has played such a valuable and abiding part.

It is said that the Imperial Services have made India. This, no doubt, is true, but we feel sure that not a single

Imperial Service Officer will deny that his success has, in an appreciable measure, been due to the loyal support of his subordinates, the majority of whom were, until lately, Anglo-Indians and Domiciled Europeans and who, therefore, can rightly claim to have materially helped in the foundation of the Government Services.

Such, briefly, has been our record of service and, in view of the part we have played in the building up and development of the India of the past and of to-day, we feel we have a special claim on the Joint Parliamentary Committee, the British Parliament and Nation, to statutory protection of our economic interests.

#### E.—STATUS.

There can be no doubt that our main difficulty and disability lies in the extraordinary status we occupy in India to-day. Indeed, it may truly be said that we have a trinity of existence, e.g., for occupational purposes, we are classed as "Statutory Natives of India"; for Defence purposes we are called "European British Subjects," and for social, political and legislative purposes we are called "Anglo-Indians," and, as such, we have been and are to-day used for the convenience of Government in any of these categories as they desire and to suit the exigency of the occasion and demand.

It is well known that by the Indian Councils Act of 1870, 33 Vic. Chapter III—the community is given the position of "Natives of India by Statute," and, as such, it has an equal claim with other communities for employment in all Government Services. The Community has been urged to admit, recognise and demand this status in all avenues of employment. But, in accepting our position as Statutory Natives of India, we do not consider we are called upon to abandon our individuality as a Community. It is, however, one thing to ask and another thing to receive, for, whenever we have demanded our economic rights in the Legislative Assembly as "Natives of India by Statute," the Opposition Benches of the House have denied us our claim as such, and have endeavoured to make the Community clearly to understand that it is not included in the term Indianisation. In this connection we would refer to Earl Winterton's definition of our status. In the House of Commons in December, 1925, in answer to questions he said:

10<sup>o</sup> Novembris, 1933.]

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"For purposes of employment under Government and inclusion in schemes of Indianisation, members of the Anglo-Indian and Domiciled European Community are Statutory Natives of India. For purposes of education and internal security, their status, in so far as it admits of definition, approximates to that of 'European British subjects.'"

But there is an unfortunate tendency at present for both Europeans and Indians to reverse the application and disown and disinherit the Anglo-Indian. For example, as members of the Auxiliary Force, we share the task of internal defence with the British Army, but when it comes to the question of admission into the Army, we are asked to accept the conditions and pay of service of an Indian Sepoy. Again, to all intents and purposes, we are ineligible for appointments reserved for the European and yet, under the scheme of Indianisation, the Indian refuses to recognise or accept us as Statutory Natives of India, as is evidenced from the numerous interpellations by Indians in the various Legislatures. For example, in a recent debate on the Railway "Demands for Grants" one of the members of the Legislative Assembly, in a speech asking for Indianisation of the Services, remarked that he wanted "pure-blooded Indians," that is, Indian-Indians for the Railways, not Anglo-Indians," and, as the Indian refuses to accept us as Statutory Indians, it is idle for anyone to say "The Anglo-Indian must once and for all decide whether he is a European or an Indian."

It will, therefore, be apparent that the Legislatures refuse to recognise our status as Statutory Indians and so our future is rendered most insecure.

Our position has gradually been going from bad to worse and our complete economic disaster has, hitherto, been avoided only by the exercise of special favours from the Government in the shape of confidential orders to officials, to safeguard, as far as possible, our interests and by the benevolence of some sympathetic officials. But of late, the cry of Indianisation has been so loud and so insistent that even these marks of favour are being denied the Community. *We go further and assert that with the present retrenchment and economy that is being practised in every Government Department—when no new appointments are being created—it is an undeniable fact that every additional appointment given to-day to an Indian is taken away*

—indeed it must be so—from either a European or an Anglo-Indian and so, in this way, the Community will, within a few decades, be deprived of the right to live unless it is statutorily protected.

In this connection, we would particularly draw the Committee's attention to pages 42, 43, 44 and 45, paragraphs 59, 60, 61, 62 and 63 of Volume I of the Indian Statutory Commission Report.

#### F.—EFFECTS OF INDIANISATION OF THE SERVICES.

Time was when the Anglo-Indian and Domiciled European Community was liberally employed in all Departments of Government, but during recent years they have been steadily replaced by Indians. To the policy of Indianisation itself and the aspirations of Indians to a larger share in the administration of and recruitment into Government Services, the Anglo-Indian Community "Statutory Natives of India," have never been and can never be inimical. As one of the permanent communities in India, we wish to affirm our loyal acceptance of and support to the Reforms as adumbrated in the White Paper, and to express our full sympathy with the progressive aims and realisations of a system of self-Government on well measured lines for India within the Empire. But as a people who have built up and worked the various Departments of Government, and who, we consider, have deserved consideration from the Government of India, we respectfully protest against the manner in which the policy of Indianisation has been and is being manipulated to our serious disadvantage. The effect of this policy has been to gradually, but surely, squeeze out the Community from these Services, while in some Departments, not a single Anglo-Indian is to be found to-day. This is exemplified in the constant changes which have been made in the system of recruitment into the Provincial and some of the higher Services. We realise that the political influence of about 200,000 Anglo-Indians and Domiciled Europeans, obviously cannot be compared with that of the hundreds of millions of Indians, but "the cause of the Anglo-Indian discontent lies deeper than that for, since nomination has been superseded by examination, Indians have had an advantage over us, because their educational facilities are far cheaper and more ubiquitous than ours. Indeed, the educational syllabus imposed by Government



10<sup>o</sup> Novembris, 1933.]

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on European schools until recently was not designed to lead up to Indian Universities, but was devised to meet the requirements of Governments under old conditions, i.e., as subordinates in their Service, and, we submit, that our system of education needs radical adjustment to adapt itself to the changing circumstances of present-day India. The Community, relying in the past so largely on Government employment, has neither sought an opening nor created a need for its services outside of official life, although a large number of Anglo-Indians are graduating to-day and rendering a good account of themselves in open competition with Indians. The

above difficulties are enhanced by the standard of living adopted by the Community, which is based on Western standards. This standard prohibits competition with the Indian artisan and shop-keeper and from recruitment in the ranks of the Indian fighting Forces. In addition emigration to other parts of the Empire is more or less closed to us on account of the colour bar, while the poverty of the Community prevents it from settling on the land.

We give below figures to show how the Community has been replaced by Indians in Government Secretarial Departments, particularly in the higher Provincial Services.

## CLERKS IN THE INDIAN AND BENGAL OFFICES IN CALCUTTA, FROM 1840-1890.

Year.	Authority.	Percentage of Anglo-Indians.	Percentage of Indians.
1840	Scott's Directory ... ..	90.56	0.44
1890	Accountant General's Statement ...	18.17	81.85

## PROVINCIAL CIVIL SERVICES, DEPUTY MAGISTRATES AND DEPUTY COLLECTORS. (BENGAL.)

Year	Anglo-Indians.	Indians.	Percentage of Anglo-Indians.
1862 ... ..	67	145	31.6
1892 ... ..	12	319	3.6

## SUB-JUDGES AND MUNSHIFFS.

Year.	Anglo-Indians.	Indians.	Percentage of Anglo-Indians.
1862 ... ..	23	56	29.1
1922 ... ..	0	293	0

## PROVINCIAL SERVICES OF BENGAL.

Number of Anglo-Indians	...	75
Number of Indians	...	3,030
Percentage of Anglo-Indians	...	2.5
Percentage of Indians	...	97.5

These figures approach the time when Indianisation of the Services was brought into active operation and conclusively prove how, after having played our part, we have been replaced, and we assert, that, if statistics were obtained to-day, it would be found that our position is much worse.

In this connection we would add that not many years ago the Community filled most of the posts of Deputy Collectors, Extra Assistant Commissioners, and other Provincial Executive Officers in the old Assam Commission, Sind Commission, Punjab Commission, Burma Commission, etc., but in these posts (now called the Provincial Civil Service of India), very few Anglo-Indians and Domiciled Europeans are to be found to-day.

In contrast to the above figures, we append below a statement showing what a serious effect recent retrenchments carried out by the Government of India, have had on the Anglo-Indian and Domiciled European Community employed in the Government of India Secretariat, from the grades of Assistant-Secretary down to the subordinate in the Central Secretariat Services. These figures will show that even within recent years, the Community has had to bear the brunt of such retrenchments, indeed, except for retrenched Europeans (which no doubt includes many Domiciled Europeans), the Anglo-Indian Community has suffered a loss of 26 out of 117 appointments, i.e., 22 per cent. of the total number of appointments held prior to retrenchment. Here also, most of the Anglo-Indians



10<sup>o</sup> Novembris, 1933.]

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still employed are over 40 years of age and within a few years will be superannuated, thus rendering our position still more deplorable. In this connection we would add that this marked reduction in our appointments in the Government of India Secretariat is contrary to the Home Department's orders regarding retrenchment which, we believe, stipulated that the communal percentage of employment should be the same after as before retrenchment was effected. The tragic aspect of our position in this

Department is that our present number represents less than 9 per cent. of the whole. The Community has been practically eliminated from Provincial Government Secretariats, and unless our present position is remedied, we fear the same fate awaits us in the Government of India Secretariat and, yet, the Secretary of State for India has ruled that such replacement, as far as the Anglo-Indian Community is concerned, should be gradually undertaken.

STATEMENT SHOWING THE EFFECT OF RETRENCHMENT ON THE COMMUNAL COMPOSITION OF THE GOVERNMENT OF INDIA SECRETARIAT FROM THE GRADE ASSISTANT SECRETARY DOWN TO THE SUBORDINATE IN THE CENTRAL SERVICES (INCLUSIVE), 1933.

Particulars.	Hindus.	Muslims.	Europeans.	Anglo-Indians.	Sikhs.	Indian Christians.	Others.	Total
Prior to the recent retrenchment.	677	186	42	117	42	24	5	1,093
After the recent retrenchment.	640	188	31	91	43	23	5	1,021
Total No. increased or reduced.	-37	+2	-11	-26	+1	-1	Nil	72
Percentage of increase or decrease.	-5.4%	+1%	-26.1%	-22.2%	+2.3%	-4.1%	Nil	

So rapidly has this displacement proceeded during the past decade of the Reforms, that in the Postal Department, the Judicial Services and in some of the Provincial Services, very few Anglo-Indians are to be found to-day. In the Government of India and Provincial Secretariats, Forest, Salt, Survey and Excise Departments an almost similar state of affairs exist, with the result that numbers of the Community have been forced to seek subordinate employment in the Railways, Posts and Telegraphs and Customs. But even here, we feel that, under the stress and misapplication of Indianisation, we are gradually being pushed out. The Community was certainly not prepared for the introduction of the Montagu-Chelmsford Reforms, for none of us foresaw the sweeping changes that were implied in these Reforms and we believed that any changes which might be introduced, would be gradual and would allow us time to prepare ourselves to run a level race with the Indian, as is demanded of us by Government to-day.

It is obvious that, if ever we are to succeed in our struggle against such stupendous odds, we must have every facility for equipping ourselves educa-

tionally to meet the situation. We are grateful for the educational protection granted to us by the Irwin Report, but the Community must be protected from further displacement in the Services, for we maintain that the education of the child is mainly dependent on the economic security of the parent and we submit that the British Government owes this economic protection, as a debt of honour to a people for whose presence they are responsible and who have rendered them loyal and invaluable service in the past. The right thinking Indian, also, will not deny the Anglo-Indian this moral claim to protection against such rapid changes, in order that he may bring himself into line with the other peoples of India and so continue to be as valuable an asset in the coming "National India" as he has been under the old regime, which is now passing.

In subsequent chapters we hope to show by facts and figures the effect Indianisation has had on the three important services—Railways, Telegraphs, and Customs—in which nearly three-fourths of the Anglo-Indian community are employed and which, to-day, constitutes their only means of livelihood.

10<sup>o</sup> Novembris, 1933.]

[Continued.]

We would, however, here refer to the action taken by some Provincial Governments, who, in recent circulars—for example, "Recruitment Rules for Bengal Services for 1928," issued by the Bengal Government—clearly demonstrate that their chief desire is to satisfy the demands of Hindus and Muslims for certain fixed percentages in all Departments, unmindful, except as an unimportant after-thought, of the interests of the Domiciled Community who helped to build most of these Departments. Indeed, the many decisions of communal percentages for employment in Government Services seem to be the outcome of pacts between the Government on the one hand and Hindus and Muslims on the other, with little or no consideration for the Domiciled Community. Again, in all arrangements between Indian political parties, it is always a question of Hindu versus Muslim, the Anglo-Indian and Domiciled European being regarded as an alien and apparently outside the pale of their consideration. This exclusion is due, no doubt, to the fact (as detailed in the Chapter on Railways) that percentages of employment are calculated on the basis of population. We submit that this is incorrect as it is not the entire Indian population which is in competition with Anglo-Indians for the 25,000 appointments they hold to-day in all Government services, but merely the literate sections who possess a secondary or higher English education. It is, therefore, necessary that the system of calculating percentages should be revised. Consideration should also be given to the fact that, in India, where every employment tends to develop into a caste, certain communities have grouped themselves for generations into particular Services, thereby acquiring a special aptitude in these Departments—e.g., Madrasis in Finance, Sikhs and Gurkhas in the Army, Bengalis in clerical offices, and Anglo-Indians in Railways, Customs and Telegraphs and, we further submit, it is to the advantage of Government that communities should continue to be employed in those Services for which they are best fitted.

Moreover, we need some protection in the Provinces because from every Province comes the demand for exclusive indigenous employment and the incessant cry one hears to-day of "Behar for the Beharis," "Punjab for the Punjabis," "Bengal for the Bengalis," etc., while it benefits the Indians, it sounds the

death knell of the Anglo-Indian, who, being, as it were, nobody's child, is in consequence the chief sufferer, by being denied the right to earn his livelihood in his own country.

#### G.—PREVIOUS REPRESENTATIONS MADE BY THE COMMUNITY.

It was the realisation of this relegation to position of inferiority and degradation that prompted the Community in India to send a well-known Anglo-Indian, Mr. Ricketts (the orphan son of Ensign John Ricketts of the Bengal Engineers, who had fallen at the siege of Seringapatam), a member of the Board of Customs, Salt and Revenue Department, to England in 1829, over 100 years ago, to present a petition to the Houses of Parliament for the protection and upliftment of the Community. This petition was presented to the House of Commons by the Right Honourable Mr. C. W. William Wynn and by the Earl of Carlyle before the House of Lords, and Ricketts was examined by a Select Committee of the House of Lords on 31/3/1830 and by the House of Commons on 21st or 24th June, 1830. But his mission was fruitless, as the nation was then too occupied with her own affairs and, except for expressions of sympathy and kindness, Ricketts returned empty-handed to India.

In 1923 representatives of our community were received in deputation by the then Secretary of State for India and set forth our grievances. But, as we received no redress and because the powers given to the authorities in the Instrument of Instructions had not been exercised to safeguard our interests, the Community in India sent a deputation to England in 1925, which was received by the late Lord Birkenhead. When it is borne in mind that, notwithstanding all these statutory safeguards, the economic interests of the Community have been prejudicially affected by the Reforms already granted, it cannot be denied that we have some justification for viewing the future with grave apprehension. In this assertion, we have no desire to oppose the progressive realisation of Self-Government in India; on the contrary, we whole-heartedly support it, but we desire to point out that Indianisation is proceeding at a rate and in a manner which is prejudicial to the interests of the Anglo-Indian Community, which, more than any other, has a claim to consideration equally on historical, moral and economic grounds.

10<sup>o</sup> Novembris, 1933.]

[Continued.]

How great a menace displacement from the Services is to the Community will be appreciated when it is pointed out that these are its main avenues of livelihood, and if they are closed no others are open to it. The community, being accustomed to European modes of living, has an economic standard much above that of the Indian, which makes competition with the Indian entirely impossible. The Anglo-Indian cannot take to menial or agrarian occupation.

The first admission and recommendation for protection appeared in the Montagu-Chelmsford Report, para. 346, which reads:—

"Some reference is needed also to the case of the large Anglo-Indian or Eurasian community which on historic grounds has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do, an intermediate position between the races of the East and West, to win for themselves by their own unaided enterprise, a secure position in the economy of India. They have been hitherto to a great extent in political and economic dependence on the Government; and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think the Government must acknowledge and must be given effective power to discharge the obligation to see that their 'interests are not prejudicially affected.'"

The Community next presented a Memorandum to the Indian Statutory Commission, and we would respectfully draw the attention of the Committee to those parts of the Report of this Commission that refer to the Anglo-Indian Community.

Volume I., Part 1, Chapter 5, para. 60:—

"... the Community has played an honourable part in developing the country and in supporting the forces of order. These avenues of employment are the more important to it, since Anglo-Indians are not cultivators and few of them hold commanding positions in the world of commerce. It is, generally speaking, a poor community; the standards of life it endeavours to maintain, make this poverty still more severely felt; it is domiciled in India, and must make India its home; and it now finds itself, largely

as the result of the Reforms and Indianisation, exposed to the danger of falling between two stools.

"Some 1,500 Anglo-Indian women are in the nursing profession. They have given of their best to the tending of the sick of all races, and have thus done something towards meeting one of the foremost and most urgent needs of Indian society."

Volume I., Chapter 5, para. 62:—

"*Employment of Anglo-Indians in Public Services.*—As we have said, a very large proportion of Anglo-Indian adults are employed in the Public services. Almost all of these are connected with Central departments. The deputation to which we have referred informed us that about 14,000 Anglo-Indians, together with 3,000 Domiciled Europeans, are engaged on the Railways, and that substantial numbers of the Community hold posts in the Telegraphs, Customs, Post Office, Survey and Indian Medical Department. Very few members of the Community appear to be employed in the Provincial Services, though some of them find work in the Education Departments.

"We were told that during the last two years, the proportion of Anglo-Indians employed on the Railways has tended to fall, while the number of Indian employees has increased. Improved education and lower wages, make the latter formidable competitors. To take another example, in the Indian Telegraph Department (which up to 1878 was entirely staffed by Anglo-Indians and Domiciled Europeans) the percentage of such employees is stated to have fallen from 66 per cent. in 1902 to 40 per cent. in 1928. In other Departments, the change is equally marked. The reduction in the public employment of Anglo-Indians may be partly explained by the inclusion of a University degree among the qualifications required of a candidate for a wide range of posts to which Anglo-Indians were formerly admitted without it. But the real cause is to be found in the working out of the policy of increasing Indianisation of the Services. Even though Anglo-Indians may be included in schemes of Indianisation the pressure from more powerful and numerous Indian communities is such that there is an increasing

10<sup>o</sup> Novembris, 1933.]

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danger of Anglo-Indians being squeezed out."

Volume I., Chapter 5, para. 63 —

"... Nobody can consider the difficulties which are inherent in the position of Anglo-Indians without desiring to do the utmost for them. As we have said, their difficulties are economic and social rather than constitutional and nothing can prevent old traditions being affected by changing circumstances."

Volume II., Part IX., para. 340:—

"We have one observation to make in regard to recruitment by the Central Government. In our first volume we have described the peculiar position of the Anglo-Indian Community and its economic difficulties. Its dependence upon employment under the Central Government is due not only to its aptitude and capacity, but to the policy of Government in the past. We suggest, therefore, that some special consideration should be given to community in recruiting for the Central Services with which it has a traditional connection."

#### H.—THE EFFECT OF OUR REPRESENTATIONS.

Although the Montagu-Chelmsford and Simon Commission Reports recognised the claims of other Communities in India, they gave the Anglo-Indian community nothing but pious expressions of sympathy and goodwill regarding its future, leaving it to the benevolence of the various Governments and their Ministers. Notwithstanding the fact that the Instrument of Instructions contained in the Government of India Act of 1919 gave special powers to Governors to protect the interests of Minorities, on rare occasions has this power been exercised, although the Community has frequently presented its grievances to the various Governments. A reference to the Simon Commission Report will show that while it recognised our disabilities, it afforded no practical solution.

But so great has been the reaction of these changes on the employment of the Community that the Government of India, to whom we are grateful, have been compelled to admit the fact that they are, to-day, wholly unable to guarantee any further economic protection to the Community, especially to those employed in the Railways. This admission is to be found on page 169 of the Government of India's Dispatch on Constitutional Reforms, September, 1930.

We would draw the Committee's special attention to para. 192 of this Report, which reads as follows:—

*"Purposes for which Parliament must retain control."*

"The purposes in which Parliament must, we think, continue to be interested so far as the Railways are concerned falls under the heads of Defence, Finances, the Services and the Anglo-Indian Community."

*"The Anglo-Indian Community."*

"The Anglo-Indian Community has in the past rendered very important services to the Railways and still holds a large number of posts in particular branches of railway work. The economic life of the community is indeed to a large extent dependent on the opportunities of employment which the railways offer, and its members are gravely apprehensive of what may occur, if and when any change does take place in the present system of administration and control. In view of the history of the community, a special obligation we think, rests upon Parliament, before relaxing its own control, to ensure, as far as may be practical, that the interests of the Anglo-Indian community are protected."

We would now refer to the report of the Services Sub-Committee of the First Round Table Conference, which, in a manner, also recognised our apprehensions and admitted the special position in which the Anglo-Indian Community was placed in regard to employment in Government Services and recommended that special consideration be given to our claims. The resolution was as follows:—

"The Sub-Committee recognises the special position of the Anglo-Indian Community in respect of public employment and recommends that special consideration should be given to their claims for employment in the Services."

This resolution, which was unanimously passed by a Committee largely composed of Indian Delegates, is a most significant admission and recommendation. It may be said this recommendation is nothing more than a pious resolution, but we submit it has the official seal of recognition of a special Committee of the Round Table Conference and as such, cannot easily be overlooked either by this Committee or Parliament. We,

10<sup>o</sup> Novembris, 1933 ]

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therefore, submit that if the Indian Delegates were prepared unanimously to offer us special protection, there should be no difficulty in the drafting out and incorporating into the Constitution Act, a special clause granting us the protection we seek.

*Lastly, we take the liberty of quoting the assurance given to the Community, by H.R.H. the Prince of Wales, in his reply to an Anglo-Indian Deputation that welcomed him when he visited India in 1922.*

"Gentlemen, you may rest assured that I now understand the conditions under which you live in India and the useful and honoured place which you fill as citizens of the Indian Empire. Your aims and aspirations have my sympathy. Your devotion to the cause of India, the land in which you live, and your desire to maintain an honoured place for her within the Empire, do you credit. I shall watch the progress of your community with the closest attention. *You may be confident that Great Britain and the Empire, will not forget your Community, who are so united in their devotion to the King-Emperor and who gave such unmistakable tokens of their attachment to the Empire by their sacrifices in the War*"

#### I.—COMPARISONS.

During the Three Round Table Conferences, the various Communities which go to form India have each, in turn, presented its demands for consideration, with the result that the Muslims have rightly been given about 33½ per cent. of the seats in the Central Legislatures and adequate weightage in other Provincial Legislatures, communal electorates and with an almost statutory majority in the Provinces of Punjab and Bengal. The Depressed Classes have been given almost all they desired and Government has accepted the Pact recently entered into between them and Mr. Gandhi, which has given them twice the number of seats in the Legislature as was allotted to them in the Prime Minister's Communal Award. The women of India have rightly been given extended franchise, and special representation in the Legislatures, as also special electoral qualifications.

Labour has been given additional representation in the Central Legislatures and special constituencies. The demands of the Landlords and Univer-

sities have, in the main, also been satisfied. Other sections of the people have been granted their requests—e.g., the creation of the North-West Frontier Province, the separation of Sind, and Orissa. Europeans have not only been given to understand that their commercial and trade interests will be protected but also their Jury and other rights. The Superior Services under the Secretary of State have been guaranteed adequate protection. The Liberal and Moderate Parties have not only been promised that Indians will be given a large share of responsibility in the Centre, but a closer association in Defence. These have been detailed, not in the nature of a complaint, but as a comparison, and we feel bound to ask: Against all these concessions given to other communities, what have the three Round Table Conferences done to satisfy the demands made by the Anglo-Indian Community, who to-day, stand more in need of statutory protection than any other community in India? It cannot be denied that, except for pious expressions of sympathy and good will, nothing material has been done for it, though in making this statement, we feel we must admit with gratitude, particularly to the Indian Delegates, the acceptance by the Round Table Conference of the Irwin Report on Anglo-Indian Education, but in doing so, we cannot help but add: Of what value is this concession to the education of our children if their parents are deprived of their employment and the right to live, because it cannot be denied that the education of the child is entirely dependent on the economic security of the parent?

#### J.—PROTECTION CLAIMED.

We are admittedly a small and poor community, with no strong voice in the Legislatures of the Country, but apart from the fact that we are descendants of those Britishers who built up the British Indian Empire, we feel we can, with confidence and justifiable pride, present our past history, our great services and our loyalty to the Empire, in support of and as our chief assets in this our appeal for Statutory protection.

And it is with this object in view\* that we have detailed these indisputable facts in the preceding pages and in our detailed references to the Services in which we have been largely employed.

10<sup>o</sup> Novembris, 1933.]

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Under these circumstances, and since the Government of India admits its inability to protect us any further, we are compelled to appeal to the Joint Parliamentary Committee and through it, to the British Parliament, for protection.

We feel that the powers that have been given to the Governor-General and Governors to protect our interests have been used very sparingly. The Community also feels that if these powers are merely to be repeated in the Instrument of Instructions, they will be of very little material value, because, with the grant of Provincial autonomy and responsibility in the Centre, the Departments in which the Anglo-Indian Community is employed will be placed under the complete control of the various Ministers and it will be against the principles underlying Provincial Autonomy and Responsibility in the Centre, for either the Governor-General or the Governors to interfere with the day-to-day administration of any of the Services and this is precisely what will, at first, have to be done if the few thousands of appointments to-day held by the Community are to be statutorily protected. After all, we are not asking for the impossible. We only want the Community to be safeguarded in these 25,000 odd appointments, as compared with the hundreds of thousands held by Indians. But, small as it is, this concession would save us from becoming a Depressed Class.

We look upon the economic future of the Community as a joint responsibility of every Englishman and every Indian who, in turn, are the co-trustees of that responsibility and we seek statutory protection not only of our economic interests, but also of our opportunities to serve the future India as loyally, as efficiently and as conscientiously as we have laboured for the past India.

We claim

From the date on which the New Constitution Act becomes operative, that the number of appointments in the various Government Services to-day held by the Anglo-Indian and Domiciled European Community, be not reduced for a period of at least thirty years and after that, we be given adequate recruitment in all Government Services and that this be incorporated in the New Constitution Act.

Failing this and in consideration of the assurances of economic protection given to the Community by the Government of India and Parliament, which have been so many as to have assumed the force and value which is rightly attached to a Treaty Obligation, and which, in our opinion, amounts to honourable pledges, but which we very respectfully submit have not been fulfilled, we feel, especially in view of the definite assurance given us by H.R.H. The Prince of Wales, when he said:

*"You may be confident that Great Britain and the Empire will not forget your Community, who are so united in their devotion to the King-Emperor and who gave such unmistakable tokens of their attachment to the Empire by their sacrifice in the War,"*

that we are entitled to place our claim on a higher plane—that of a moral and honourable obligation on the British people, who called us into being, on Parliament and the Crown, whom we have served for centuries with a sense of loyalty, of patriotism and efficiency, without parallel in the British Empire.

#### K.—RAILWAYS.

We would draw the special attention of the Committee to the position the Domiciled Community occupies on Railways, for it is one of the most important matters dealt with in this Memorandum. We emphasise this aspect of our economic life, because it affords employment to-day to about 13,500 Anglo-Indians and about 3,000 Domiciled Europeans, who, together with their wives, families and dependents, form a total of nearly 100,000 men, women and children—i.e., two-thirds of the entire community—who are either employed or dependent upon Railways for their daily bread.

*History.*—It is an undisputed fact that it was with British captial that the pioneer Britisher and his offspring—the early Anglo-Indians—helped to lay the first railway sleepers in India nearly a century ago. These pioneer workers are, to-day, represented on the Railways by their third and fourth generations. Famine, small-pox, cholera, malaria and other diseases took their daily toll from among these early workers who were scattered, like a gipsy community, over the length and breadth of India, living in the jungles with no social amenities



10<sup>o</sup> Novembris, 1933.]

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and, at times, far removed from medical aid which, in itself, was then in a primitive state. They toiled on from day to day and year to year, sustained by their loyalty to the country and the Government. In these early days, their salaries were mere pittances as compared with the present day more attractive rates of pay and the risks and privations then attendant on railway work and the smallness of the salaries did not make this Service sufficiently attractive to most educated Indians. It was not many years ago when almost every Engine-driver, Guard, and Station Staff subordinate was either a European or an Anglo-Indian and many of them rose to the highest positions, some eventually becoming successful Agents and General Traffic Managers, and, on some Railways, about 50 per cent. of the officials were promoted from Anglo-Indian subordinate ranks. As time went on the railways became a steady source of revenue to the Government of India and, equally with the British commercial firms who are to-day claiming protection of British commercial interests in India, we feel that the Anglo-Indian community is fully entitled to similar protection in return for their share in the development of trade and commerce of the country, as also the transportation troops during the various Wars, a service which, to-day, cannot be denied or adequately valued in terms of rupees, annas and pies. That in the past we have enjoyed a liberal percentage of certain small sections of subordinate appointments, particularly in the Operative Department of the Railways, and even, to-day, hold a fair number of these posts, is due, in the first place, to the fact that, until quite recently, there was no competition from other communities and no demand was then made for graduate education or competitive examinations, as constitutes a precedent to such employment to-day; secondly, to our past continuous service, trustworthiness and loyalty to our employers, and, thirdly, to the fact that these incumbents are senior men who have worked their way up after years of proved service.

As a result of continuous and more or less hereditary employment, the Anglo-Indian community became an integral part of the Indian Railways and our economic welfare has been and still is so intimately welded and linked up with

the prosperity of the railways that it has become, more or less, a "caste" employment. While so employed we served with the old Volunteer Force—the Indian Defence Force—and, in course of time, compulsory enlistment into the Auxiliary Force became a *rigid* condition of Anglo-Indian and Domiciled European employment on the Railways; indeed, we are the only community from whom such military services are demanded as precedent to employment. To-day, the Railway Battalions form the backbone of the Auxiliary Force and are frequently called upon to protect Railway property and quell strikes, thus playing an important part in the internal defence of India. The Community is very proud of the honoured place it occupies in this Force and would be the last to suggest any alteration. But it respectfully submits that such employment, in a measure, augments its claim for special protection in a Department it has not only built up, but in which it can always be depended on during strikes and other crises. The various Railway Mechanical and Carriage and Wagon Workshops were at one time also almost entirely manned by the Community, and, as the need for importing costly covenanted employees, such as British Foremen, Drivers, Guards, Firemen, and others, in large numbers from England gradually decreased, their places were filled by Anglo-Indians.

It was in this atmosphere of economic contentment and apparent security of employment that the Reforms commenced to operate in 1920. Neither official nor subordinate received any hint from the Government as to the far-reaching changes that were to follow. Under the stress of clamorous demands made by certain Indian members of the Legislatures, who early showed hostility to the position occupied by the Community on Railways and demanded such a speedy rate of Indianisation that, if granted, would only result in throwing out of employment large numbers of the Community, the Government showed unmistakable signs of yielding. And it is this hesitating policy on the part of Government that is causing us such grave apprehension in a field of employment in which we have sown but are to-day being denied the reaping. If Government are in favour of the retention of a large proportion of Anglo-Indians in "certain



10<sup>o</sup> Novembris, 1933.]

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sections" of railway employment, in consideration of their past services, their loyalty and devotion to duty, it would be to the interests of all concerned, if they openly admitted it, but it seems as if Government, faced with the pressure of other more powerful communities, is evading the many questions on Anglo-Indian Railway employment that are daily asked in the Legislative Assembly, and, though they realise that our community furnish reliable, if slightly more expensive railway workers, they seem to hesitate to say so. In their anxiety to conciliate certain Indian communities they overlook the fact that, for employment purposes, Anglo-Indians are "Statutory Natives of India" and that a Service manned by "Statutory Indians" cannot possibly be more Indianised, and thereby expose themselves to the charge of perpetuating a difference between Anglo-Indian and Indian employees on Railways. Their answers, hitherto, seem to convey the impression that the Community is being retained on Railways, not for its intrinsic worth, which has been abundantly proved, but by favour of the European official who, himself, is being pressed by Government to put into rapid affects its policy of Indianisation. Although Agents state they cannot run their Railways without Anglo-Indian and Domiciled European workers, Government insist, not only on the appointment of a larger number of Indians, but on their rapid promotion to the upper subordinate grades, apparently to show in each year's Railway Budget a marked increase in Indianisation, possibly with a view to winning over the extremist Indian opposition to their Demands for Grants. There are numerous instances in the Legislative Assembly where certain Indian Members have moved large cuts in the Budgets on the plea that Indianisation of the Services is not being given effect to; their attacks being directed at Anglo-Indians.

In support of our plea that certain Indians resent our employment on Railways, we would quote from a speech delivered by Mr. K. C. Neogy on the 24th February, 1928, when, in discussing the Railway Demands for Grants, said that he spoke for "the pure-blooded Indians—Indian-Indians" and not for those who claim an admixture of other blood—i.e., Anglo-Indians. These facts go to prove that a certain section of Indians resent the present employment of Anglo-Indians

and Domiciled Europeans on Railways and, while avowing that they do not wish to oust us, they are anxious to get rid of us as soon as they can and, that by Indianisation, they practically mean *Anti-Anglo-Indianisation*.

The records of Railway administration will show to what extent the Government has, and does even to-day, rely on Anglo-Indian loyalty in the administration of its Railways, for, whenever certain sections of Indian workmen go on strike, as evidenced by the 1928 East India Railway strike, the Bengal-Nagpur Railway strike of 1927, the East India Railway and the North Western Railway strikes of 1920 and 1925, the Anglo-Indian community has always come to the assistance of Government, but the tragedy of such loyal service is the fact that, after we have broken these strikes and restored traffic, the Indian strikers, in response to pressure brought to bear on the Legislative Assembly by their representatives, are re-engaged and our services are dispensed with. That the Government of India are appreciative of our services and have been fully alive to their responsibilities on our behalf has been more than once clearly enunciated by the official spokesmen of the Legislative Assembly. In March, 1928, the Hon. Sir George Rainy, Commerce Member in the course of the Railway Budget debate, remarked:—

"The point I want to make plain, if I can is this. There are certain things that we cannot do. For one thing, we could not oust Anglo-Indians from the appointments the individuals actually hold, in order to replace them by Indians. There is also another aspect of the case to which I think it is necessary to refer here. When, as a matter of history, members of a particular community have held a very large number of appointments of a *particular class*, inevitably the whole economic organisation of the community becomes involved with that fact. That is a point that the Government of India cannot possibly ignore and to take measures which would summarily involve a *sudden* violent dislocation of the economic resistance of an important community would clearly be a matter in which the Government of India ought to proceed very cautiously. I want to give that warning."

Assurances of protection have, it is true, from time to time, been given to

10<sup>o</sup> Novembris, 1933 ]

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the Community by various Commerce Members and even by the Right Honourable The Secretary of State for India, and the Government of India have, we sincerely believe, made a genuine endeavour to carry them out, but their resistance seems to have proved unequal to the yearly increasing pressure for Indianisation. To-day, although we still enjoy a favourable percentage of certain appointments on the Railways, our future position is anything but assured. Indeed, we consider it is in grave jeopardy and, unless protection is afforded us in the shape of a definite enactment, it will not be long before we suffer the same fate in the Railways as we have met in other Government Departments. It is not only the present that we fear, but the future, and, while we are grateful to Government for the protection hitherto afforded to present employees, the assurances given us carry no permanent protection or safeguards, even for a stated period; on the contrary they not only imply that more Indians will be employed in the future, a claim we do not and cannot dispute, but also that, in the policy of Indianisation of Railways, the Community apparently occupies the position of a "separate class" apart from all other Indian communities. But, we ask, "how can Anglo-Indians, who are 'Statutory Natives of India,' be replaced by other Natives of India, i.e., Indian-Indians?" Surely Indianisation does not imply Anti-Anglo-Indianisation?

There is no doubt that the political pressure which has been brought to bear on Government for the past decade of the Reforms and the insistent demands for Indianisation of the Services, has, at last, influenced it to practically admit its inability to protect our interests any further, and, in support of this, we take the liberty of again quoting from the "Government of India's Despatch on Proposals for Constitutional Reform, September, 1930."

In this report it states, pages 168 and 169, paragraph 192:—

*"Purposes for which Parliament must retain control.*—The purposes in which Parliament must, we think, continue to be interested so far as the railways are concerned fall under the heads of Defence, Finance, the Services and the *Anglo-Indian Community*."

*"The Anglo-Indian Community.*—The Anglo-Indian community has in the past, rendered very important

services to the Railways and still holds a large number of posts in particular branches of Railway work. The economic life of the community is indeed, to a large extent dependent on the opportunities of employment which the Railways offer, and its members are gravely apprehensive of what may occur, if and when, any change takes place in the present system of administration and control. In view of the history of the community, a *special obligation, we think, rests upon Parliament, before relaxing its own control, to ensure, as far as may be practicable, that the interests of the Anglo-Indian community are protected.*"

This recommendation proves beyond doubt that the Government to-day find themselves incapable of protecting any further the interests of the Community employed on the Railways and recommends that the obligation should, in future, *rest on Parliament*. This not only explains the position the Community occupies to-day in this sphere of labour, but supports our demand for statutory protection from the Joint Parliamentary Committee, which is representative of the Houses of Parliament. In further support of our demand, we would draw the attention of the Committee to the following paragraphs from the Indian Statutory Commission Report which are reproduced in full on pages 11 and 12 of this Memorandum. Volume I, Part I, Chapter 5. Paragraphs 59, 60, 61, 62 and 63, and Volume II, Part IX. Paragraph 340.

We would again draw the special attention of the Committee to the Services Sub-Committee Report of the First Round Table Conference, which resolved:—

Sub-Committee VIII (Services) Paragraph 5, Sub-paragraph (4).

*"The Sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment and recommend that special consideration should be given to their claims for employment in the Services."*

In this connection we would point out that we are entirely employed as upper and lower subordinates and not in the inferior or menial positions. It may be argued that the community still holds a fair proportion of subordinate appointments in certain sections of Railway Departments, carrying salaries rising to Rs. 250/- p.m. and over, but most of these appointments are, to-day, held by senior

10<sup>o</sup> Novembris, 1933.]

[Continued.]

men, who, after years of devoted and steady service have, by sheer merit, risen to these positions. In other words, this does not refer to recent recruitment which is very small to-day.

We would also like to mention that the Government of India now demands a university degree for entrance into the superior Railway services, and a severe competitive entrance examination. We respectfully submit that Government is not entirely blameless for the unfortunate position the Anglo-Indian and Domiciled Community occupies as subordinates in the Railway Service, and its present state of unpreparedness adequately to compete equally with the higher educated Indians, even for subordinate appointments.

Time was when Government looked to loyalty and steadfastness as the chief requirements for this service and, as it was sure of such qualities in the community, it employed it in large numbers in Railways, Telegraphs and Customs. Indeed, we affirm that Government went so far as to restrict and retard the education of the children of its Anglo-Indian and Domiciled European Railway employees. In support, we would quote from a Government of India Resolution, issued on the 19th August, 1878, which reads as follows:—

“At all Railway Schools where higher education is attempted, such education should, as far as possible, be of a technical character and *too much money and effort should not be spent* in raising the pupils to any particular university or any other intellectual standards.”

We would here add that when the question of communal percentage of employment in the various sections of the Railway Departments was discussed in the Legislative Assembly in 1933, prominence was given to the large number of Anglo-Indians employed as upper subordinates, but very little was said that these Anglo-Indians were very senior men with long records of service to their credit or of those many sections of Railway employment—we refer to the Ministerial appointments, Clerical staffs, Finance and Audit—in which Anglo-Indians have a decimal percentage of employment, and in which certain classes of Indians have a preponderating percentage (in some sections about 90 per cent.). We mention this, not as a complaint, but to impress the fact that it is only in certain avenues of Railway employment, such as the Transport and

Operating Staffs—for example, Station Masters, Engine Drivers and Guards—in which Anglo-Indians and Domiciled Europeans are mainly employed. But when all is said and done, the bald fact remains that out of nearly 800,000 railway employees, Anglo-Indians and Domiciled Europeans occupy only about 16,500 appointments and it is these appointments that we wish to protect and retain. We respectfully ask, is it right, is it just, because, for nearly a century, we have been the drawers of water and the hewers of wood for Government, we should, to-day, to satisfy a policy, be deprived of our undeniable claim for adequate protection?

Criticism has often been made and the belief is widely current that, on a total population ratio, the Domiciled community hold too high a percentage of appointments in Railways. This, we submit is a fallacy, because, to take one aspect of the matter, it must not be forgotten that the entire population of India is not in open competition with Anglo-Indians for the class of appointments they seek, and to-day hold, but only those Indians who are educated in English up to the secondary standard and upwards. Moreover, it is a well known fact, that in many Government Departments, for example, the Army, Audit and Accounts, Finance, Clerical staffs, Postal, Excise, Revenue, Forest, Irrigation, Port Trusts, Salt, Income Tax and many quasi-Government Departments throughout the country, very few, if any Anglo-Indians are to-day to be found.

It is universally accepted that efficiency should be the only test for employment, especially in subordinate appointments carrying salaries from Rs. 30/- to Rs. 250/- p.m. and over, and as efficiency to-day means—as it must mean—a working knowledge of English up to the secondary standard, it is interesting to note that out of about 2,000,000 of the population above the age of 15 years, who are literate in English, about 1,000,000 only are educated up to the secondary standard. Against this figure we have about 85,000 Anglo-Indians who are so educated. It, therefore, follows that, for all subordinate Government appointments which run into hundreds of thousands, the competitors are not the total population of India, as is so often advanced, but only 1,000,000 of the population including 85,000 of the Domiciled Community, which means that the community should be given 8.5 per cent. of all such appointments. But, as a matter of history and of fact,

10<sup>o</sup> November, 1933.]

[Continued.]

out of the many hundreds of thousands of subordinate appointments, there are only about 25,000 Anglo-Indians and Domiciled Europeans so employed in *all* Government Services, including Railways. In other words, we do not receive anything like the number which would come our way if appointments were distributed according to the above ratios of candidates with secondary education qualifications.

We desire to elaborate this point in regard to Railway employment.

The Railways employ about 800,000 persons, out of which about 175,000 can be classed as subordinates and officials.

Service on Railways can be divided into three main categories.

(a) *Menials*.—Anglo-Indians are not employed as such and Indian communal representation could and ought to be based on a population ratio.

(b) *Officials*—for which a degree is to-day demanded, has also a severe open competitive examination, which is almost closed to the Community owing to its unpreparedness in higher education.

(c) *Subordinates* (upper and lower).—It is in this class of employees, drawing salaries from Rs.80/- to Rs.250/- p.m. and over, in which Anglo-Indians and Domiciled Europeans are largely employed. There are about 175,000 such appointments on all Railways, for which about 915,000 educated Indians (minus the *larger* number who are employed in other Government Services) and 85,000 Anglo-Indians (excluding the few thousands who are employed in other Government Departments) are in open competition with each other and this is an important factor which should be considered when determining communal percentages in such Railway and other Government employment. There are to-day, a little over 13,000 Anglo-Indians as Railway subordinates and officials, which, in our opinion, is not an undue proportion, because, according to the English-education efficiency test of 8.5 per cent., we should receive a larger number of appointments on Railways. But it must not be forgotten that very few Anglo-Indians and Domiciled Europeans are employed in other Departments of Gov-

ernment, and we, therefore, claim that we are entitled to our present numbers.

If, on the other hand (taking English as the efficiency test) the Community were given its 8.5 per cent. quota of such appointments in *all* Government Services and these were universally distributed, we should be quite content. It is because we are not so employed and that these appointments are more or less closed to us, that we feel we have a claim to service in a Department such as the Railways, for which we have shown such marked aptitudinal qualities; the same as the Sikhs, Gurkhas, Jats, Punjabi-Mussilmans, etc., have shown and, for which reason, are exclusively employed in the Indian Army.

We do not contend that this is the only criterion on which communal employment in Government Services should be calculated, but it is a factor which cannot be overlooked. It is possible that a settlement for communal employment in all Government subordinate appointments might be arrived at on the basis of communal legislative representation in the Lower Federal Chamber, and Provincial Legislatures, e.g., it might be apportioned between the three main Communities, Hindus, Muslims and Europeans-cum-Anglo-Indians. We offer this for the consideration of the Committee.

For ready reference we append below a copy of the Railway Board's Circular, No. 2395-E, dated 23rd May, 1929, regarding the employment of Anglo-Indians on Railways and which the statistics given abundantly prove is not being carried out.

“The application of these principles to the Anglo-Indian community present peculiar difficulties. Owing partly to reasons which are a matter of history and partly to the special aptitude displayed by members of the community for certain Branches of Railway work, a very high proportion of the appointments in these Branches have for a number of years been filled by Anglo-Indians. It appeared to the Government of India that this was a case which called for special treatment. The principles which, in their opinion must be followed are these:—

“(1) In those branches of the Service in which a preponderant share of the appointments has

10<sup>o</sup> Novembris, 1933.]

[Continued.]

fallen to Anglo-Indians in the past, opportunities must be given to members of other communities to show their fitness.

"(2) Whatever the qualifications considered necessary in order to justify the appointment of a candidate to a particular branch of the service may be, they must be the same for all.

"(3) No step should be taken which would produce a *sudden and violent dislocation* in the economic life of the Anglo-Indian community, and,

"(4) In order to avert this danger, care must be taken, in the preparation of schemes for recruitment to the subordinate Railway services not to impose conditions which would, in effect, seriously restrict the opportunities of employment on the Indian Railways which Anglo-Indians at present enjoy.

" . . . . It is inevitable that, as time goes on, a larger number of members of other communities should be admitted to those branches of the Service which have hitherto been manned mainly by Anglo-Indians, and the Government of India desire that steps should be taken to give members of other communities a chance of showing their fitness. But the change should be brought about *gradually and slowly*."

It is, therefore, our submission that, despite the many assurances given by the Government of India, as also the Secretary of State in reply to the Anglo-Indian Deputations of 1923 and 1925, our opportunities of employment in the subordinate Railway Service, are not being reduced "*gradually and slowly*" but rapidly.

We take the liberty of attaching certain statistics which conclusively prove the prejudicial effect Indianisation of the Services has had on Anglo-Indians employed on the Railways during the past decade of the operation of the Reforms, and we would add that, if this is to be our fate for the services we have rendered to this branch of Government, at a time when British administration is paramount and British officials still occupy most of the important appointments, we hesitate to think what

will be our fate within the next ten or twenty years, especially if the Extremist Indians are returned in a majority to the Federal Legislatures. We would ask members of the Committee carefully to study these figures, for then only will they fully appreciate how we have suffered and are suffering, and be able to realise the gravity of our apprehension and the urgent need for statutory protection. We would further ask the Committee to bear with us when we state how impossible it is for Anglo-Indian lads, reared in Western standards of living, to accept appointments, as is being offered to us to-day, of Railway Engine cleaners at a pittance of Rs.10/- per mensem or 5d. per day.

The figures quoted in the appended statistics have been obtained from Government of India's Reports of the Railway Board on Indian Railways and may, therefore, be accepted, in the main, as authentic. They clearly prove our statement which forms the basis of our submission and the reason for our demand for Statutory protection, because, we feel, as was stated in Paragraph 346 of the Montagu-Chelmsford Report, that, as a minority community, we are not strong enough, unaided by some protective measure, to withstand the effect of changes which omit to take into account our peculiar situation, and "that Government must acknowledge and must be given effective power to discharge the obligation to see that our interests are not prejudicially affected."

In *Statement A*, it will be found that, within two years 1929-30 when there were 14,453 Anglo-Indian employees and the year 1931-32 when there were 13,365 Anglo-Indians employed, the community was deprived of 1,088 appointments, that is to say, nearly 14 per cent. The seriousness of this will be realised when we state that these employees with their wives, families and dependants, a total of about 6,000 persons, are to-day, unemployed and homeless. In this connection, we would further like to emphasise the fact that of these remaining 13,365 employees nearly 50 per cent. are senior men, i.e., between the ages of 40 and 55, who will be superannuated within the next 10 to 15 years. This, together with the undeniable fact that few Anglo-Indians are, to-day, being recruited into the Railways means that, within the next 20 years there will be very few Anglo-Indians employed on Railways and we

10<sup>o</sup> Novembris, 1933 ]

[Continued.]

tremble to think what will be the fate of the community with such an enormous addition to the ranks of its already large army of unemployed.

A reference to *Statement B*, which shows the numbers of Subordinates whose salaries rise to Rs.250/- per mensem and over, will reveal that during the quinquennium 1925-26 to 1929-30, out of a total of 1,003 new appointments, only 77 or 7.4 per cent. of the whole were given to Anglo-Indians, as against 658 or 63.7 per cent. to Hindus, 102 or 9.9 per cent. to Muslims, 314 or 30.4 per cent. to "Other Classes," and a reduction of 11.4 per cent. to Europeans. It will also expose the still more significant fact that, during the years 1930-31 to 1931-32, the position of Hindus, Muslims and "Other Classes" was more than 30 per cent. better than obtained in 1925-26, whereas, that of Europeans and Anglo-Indians (in spite of the latter being Statutory Indians) became much worse. This clearly indicates, in our opinion, that every new appointment created to-day, is given to an Indian and that it is taken away from either the European or the Anglo-Indian—*Indeed it must be so.*

*Statement C* refers to the effect recent retrenchments have had on Anglo-Indians employed on the Railways and reveals the fact that, when it is a question of giving new appointments, the Anglo-Indians' share was only 7.6 per cent. and that during this short period of two years, the Anglo-Indian community has been forced to bear nearly 40 per cent. of the number of upper subordinate appointments retrenched, indeed the total number of Europeans and Anglo-Indians retrenched is 410 out of 655, i.e., about 60 per cent. of the total retrenched.

In *Statement D (I)* will be found a reference to the position of the community in the ranks of Gazetted Railway Officers and shows that, within the period of 1925-26 to 1929-30, the number of Anglo-Indian Officers was reduced from 182 in 1927 to 154 in 1930. The significance of this decrease is accentuated when it is noticed that it synchronises with an increase of (40, 5 and 16), 61 appointments among other communities, and we would add that this has taken place during a period in which the total number of Railway officers of all grades,

owing to retrenchments, was reduced from 2,196 to 2,134.

*Statement D (II)* which also refers to Gazetted Officers, relates to a period between the years 1927-28 and 1931-32 and shows a further drop of Anglo-Indians in the official grades from 154 in 1929-30 to 130 in 1931-32, a fall of 15.6 per cent. During this quinquennium it will also be seen the highest percentage of retrenchments, viz., 28.5 per cent. was among officers of the Anglo-Indian community. In contrasting these figures with the position of other communities (except Europeans) it will be found that they have not only not been affected by this retrenchment, but have been given increased employment, particularly in the major communities.

*Protection Claimed.*—We submit that in consideration of the services rendered to the Railways and the oft-repeated assurances given to the Community by the Government of India and various Secretaries of State for India, on behalf of the British Parliament and the disastrous effect Indianisation has had on the Community, we are entitled to claim statutory protection as a well-earned and just reward, and, equally with the demands made by other Services, we have every reason to view our employment on Railways as our just due, the protection of which we submit is an honourable obligation on the part of the British Parliament. Furthermore, in view of the fact that our total number of employed is only 16,500, as compared with about 800,000 Indians, we fervently hope that our Indian brothers of the British Indian Delegation will not deny us our claim.

We also wish to state that the Community is prepared to serve the future Indian Railways as honestly, as diligently, as loyally and as efficiently, as they have served in the past.

*Claim.*—We, therefore, claim that a clause be incorporated in the New Constitution Act to the effect that the present number of Anglo-Indians and Domiciled Europeans, both lower and upper subordinates and officials, be not reduced for a further period of at least 30 years from the day the Act is put into operation, and, after that period, provision be made that an adequate number of Anglo-Indians and Domiciled Europeans be annually recruited into the Railways.



10<sup>o</sup> Novembris, 1933.]

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## STATEMENT A.

The Statistics are obtained from the Reports of the Railway Board on Indian Railways.  
NUMERICAL STATEMENT OF ALL CLASSES AND GRADES OF EMPLOYEES ON CLASS I RAILWAYS  
DURING THE QUINQUENNium 1925-26 to 1929-30.

Year.	Europeans.	Anglo-Indians.	Hindus.	Muslims.	Other Classes.	Total.
1925-26 ...	4,920	13,559	516,666	164,185	21,912	721,242
1926-27 ...	4,929	14,193	531,568	165,611	23,863	740,164
1927-28 ...	4,957	14,245	546,621	175,271	27,554	768,648
1928-29 ...	4,846	14,268	548,331	173,980	33,090	774,515
1929-30 ...	4,840	14,453	550,704	177,777	38,128	785,902
1930-31 ...	4,635	14,058	524,620	168,285	35,181	746,779
1931-32 ...	4,389	13,365	491,835	153,384	33,925	696,898

*Note I.*—The reduction of Anglo-Indians was heavier (pro rata) in appointments carrying salaries rising to 250 p.m. and over than in lower ratings. The object of the majority communities is to secure the upper appointments in the Non-Gazetted Services as well as in the Gazetted Services.

*Note II.*—It will also be observed that, notwithstanding the circular issued by the Railway Board No. 2395-E. dated 23/5/29, regarding its policy of employment of Anglo-Indians on the Railways, a comparison between the total of Anglo-Indians employed in 1929/30, i.e., 14,453 and in 1931-32, i.e., a total of 13,365, shows a decrease of 1,088 approximately and we would add that at least 50 per cent. of these remaining employees are between the ages of 40 and 53, who will be superannuated within the next 10 to 15 years, thus decreasing the total employment by this amount.

This total of 1,088, together with their wives and families would come to about 5,500 Anglo-Indians who are, to-day, unemployed and without a home, and surely this is not in accordance with the Railway Board's circular and which was the outcome of the 1925 Deputation to the Secretary of State, in which it says "no step should be taken which would produce a sudden and violent dislocation in the economic life of the Anglo-Indian community"; nor does it comply with the orders from the Secretary of State, that a reduction in our employment should be brought about "*gradually and slowly.*"

## STATEMENT B.

STATEMENT SHOWING THE NUMBER OF SUBORDINATES WHOSE SALARIES RISE TO RS. 250/- P.M. AND OVER, ON CLASS I RAILWAYS, DURING THE QUINQUENNium 1925-26 TO 1929-30.

STATEMENT SHOWING THE NUMBER OF SUBORDINATES WHOSE SALARIES RISE TO RS. 250/- P.M. AND OVER, ON CLASS I RAILWAYS, DURING 1930-31 TO 1931-32.

Column	1.	2.	3.	4.	5.	6.	7.	8.
Particulars.	1925-26.	1929-30.	Increase or decrease in quinquennium.	Percentage of increase or decrease on 1925-26.	1930-31.	1931-32.	{Difference between Col. 1 and 6	Percentage of rise or fall on 1925-26.
Europeans ...	2,126	2,008	— 118	— 5.5%	2,007	1,855	— 271	— 12.7%
Hindus ...	1,572	2,230	+ 658	+ 41.8%	2,195	2,059	+ 487	+ 30.3%
Muslims ...	287	389	+ 102	+ 35.5%	386	375	+ 88	+ 30.6%
Other Classes	419	733	+ 314	+ 73.9%	689	673	+ 254	+ 60.6%
Anglo-Indians and Domiciled Europeans.	3,809	3,886	+ 77	+ 2 %	3,779	3,629	— 180	— 4.7%

*Note I.*—3,809 Anglo-Indians shown in 1925-26 (*vide* revised figures in Appendix F. of the Report on Indian Railways by the Railway Board for 1926-27 Volume I) obviously include several servants shown as Europeans prior to 1925-26 who have since classified themselves Statutory Indians, probably to escape the axe which would have been applied on the ground that they were aliens.



10<sup>o</sup> Novembris, 1933.]

[Continued]

*Note II.*—During the quinquennium 1925–26 to 1929–30, out of a total of 1,003 new appointments, only 77 or 7·4 per cent. of the whole were given to Anglo-Indians as against 658 or 63·7 per cent. to Hindus, 102 or 9·9 per cent. to Muslims, 314 or 30·4 per cent. to other classes and a reduction of 11·4 per cent. to Europeans.

*Note III.*—It will be seen from Columns 5, 6, 7 and 8, that even after the phenomenal reduction of subordinates of the European and Anglo-Indian classes during the two years ending 31st March, 1932, the position of Hindus, Muslims and other classes was more than 30 per cent. better than it was in 1925–26, whereas that of Europeans and Anglo-Indians (in spite of the latter being Statutory Indians) became much worse. The present policy is clearly set out to improve the position of the major communities at the expense of the Anglo-Indians, a policy which, if continued, will gradually eliminate the community from Railway employment.

## STATEMENT C.

RETRENCHMENT between the years 1929–30 to 1931–32.

Whereas the community has been given only 77 appointments, out of a total of 1,003, created between the years 1925–26 to 1929–30, i.e., 7·6 per cent., it will be noted that during the two years of retrenchment, i.e., 1930–31 and 1931–32, the community was deprived of 257 appointments out of a total of 655 appointments retrenched, from all communities which works out as follows :—

	Number reduced between 1929–30 and 1931–32.	Percentage on actual reduction during 1929–30 to 1931–32.
Europeans ... ..	— 153	— 23·3%
Hindus ... ..	— 171	— 26·1%
Muslims ... ..	— 14	— 2·1%
Other classes ... ..	— 60	— 9·2%
Anglo-Indians ... ..	— 257	— 39·3%

This shows when it is a question of giving new appointments, the Anglo-Indians' share was only 7·6 per cent. for a period of *five years*, but during a period of two years of retrenchment the community has been forced to bear nearly 40 per cent. of the total number of upper subordinate appointments retrenched, indeed the total number of Europeans and Anglo-Indians retrenched during this period is 410 out of 655, i.e., about 65 per cent.

## STATEMENT D (I).

STATEMENT SHOWING THE POSITION OF GAZETTED OFFICERS ON CLASS I RAILWAYS IN 1927–28 AND IN 1929–30, ACCORDING TO COMMUNITIES.

	Europeans.	Hindus.	Muslims.	Anglo- Indians.	Others.	Total.
1927–28 ... ..	1,504	382	66	182	62	2,196
1929–30 ... ..	1,409	422	71	154	78	2,134
Difference, + or —	{ — 95 — 6·3%	{ + 40 + 10·5%	{ + 5 + 7·5%	{ — 28 — 15·3%	{ + 16 + 25·8%	{ — 62

*Note I.*—The number of Anglo-Indians in the official grade which stood at the maximum figure of 182 in 1927–28 (during the quinquennium 1925–26 to 1929–30) fell to 154 in 1930, the last year of the quinquennium which was a period of great prosperity.

*Note II.*—It will be seen that a fall of 95 and 28 appointments in the European and Anglo-Indian communities respectively, synchronised with a rise of (40, 5 and 16) 61 appointments among other communities, and this took place during a period in which the total number of officers of all grades, owing to retrenchment, was reduced from 2,196 to 2,134.

## STATEMENT D (II).

STATEMENT SHOWING THE POSITION OF GAZETTED OFFICERS ON CLASS I RAILWAYS IN 1927–28 AND 1931–32.

	Europeans.	Hindus.	Muslims.	Anglo- Indians.	Others.	Total.
1927–28 ... ..	1,504	382	66	182	62	2,196
1931–32 ... ..	1,270	413	73	130	63	1,949
Difference, + or —	{ — 234 — 15·6%	{ + 31 + 8·1%	{ + 7 + 10·5%	{ — 52 — 28·5%	{ + 1 + 1%	{ — 247 — 11·2%

10<sup>o</sup> Novembris, 1933.]

[Continued.]

*Note.*—There was a further drop of Anglo-Indians in the official grade from 154 in 1929-30 to 130 in 1931-32, a fall of 28·5 per cent. in the quinquennium ending 31st March, 1932.

The two years ending March, 1932, were characterised by heavy retrenchments of officials. The above statement, however, shows that the highest percentage of retrenchments, viz., 28·5 per cent. was among officers of the Anglo-Indian community. Conversely, the position of all other communities, except the European, was not only not affected by the retrenchment, but shows an increase.

#### L.—INDIAN TELEGRAPH DEPARTMENT.

The Indian Telegraph Department is yet another instance of a Service in which the Anglo-Indian and Domiciled European Community has, in the rôle of pioneer workers, performed the spade work. In the early days of this Service, it faced the dangers of isolated existence spent in the jungles, exposed to various diseases and after continuous labour and energy, developed it, step by step, to such a condition of utility and perfection, that, with the improved status and enhanced salary it now commands for its employees, it began to attract Indians to its ranks, and with the rapid progress of Indianisation that is taking place, it seems certain that, within a very short time, the Anglo-Indian will be displaced in this Service also.

*History.*—It is an irrefutable fact that the foundations of the Indian Telegraph Department were laid and the traditions built up almost exclusively by Anglo-Indians and Domiciled Europeans. On the mountain tops of Kashmir at Minimarg, over 14,000 feet above the sea-level, on the plateaux of Tibet and Sikkim, over the rocky passes of the Hindu Kush and Sulaiman ranges, across the precipitous valleys of the Himalayas and other mountain ranges of India, on the frontiers of Baluchistan, Afghanistan, Tibet, China and Siam, through the forests of India, on the desert sands of Seistan, Sind and Rajputana, at the frontier outposts of Parachinar, Razmak and Chaman, by river course and mountain torrent, in the malaria stricken and reptile infested jungles of the Terai and Chittagong Hill Tracts, across the mangrove swamps of the Arakan coast in Burma and the bamboo jungles of the Yoma mountains (where airmen were lost and could not be found), on the crest of the hill and in the trough of the valley, on the beds of rivers and the bottom of the sea—everywhere, the telegraph and telephone lines and cables have been laid in the past and are still being laid by members of the Community. Spreading out from a few miles of wire carrying a few telegrams in the service of the State in 1854-55, this huge net-

work of wires now aggregates considerably over half a million miles and carries telegrams across distances frequently exceeding 2,000 miles, which involve more than 83 million operations per annum. It was under such conditions that the work of construction and maintenance has proceeded day in and day out, accounting for many valuable Anglo-Indian lives during the past eighty years, until the diffusion of the lines of communication is so wide and so complete that, to-day, scarcely a hamlet exists in British India which is more than a few miles away from a Telegraph Office of some kind. This huge diffusion of lines over the vastness of the sub-continent of India, which is one of the miracles of the modern world, has been effected, we are proud to say, almost entirely under the supervision of Anglo-Indian Engineering Supervisors and Deputy Assistant Engineers of the Posts and Telegraphs Department, who form the backbone of the outdoor service of Engineers and are the real builders of the Telegraph and Telephone systems. These pioneer workers and their successors in this Branch of the Service, have, by unstinted application, untiring effort and devotion to duty, built up within the community, an aptitude and fitness for outdoor telegraph engineering work which has been carried from generation to generation during the past almost 100 years. Very many of these pioneer workers, sons of Britishers mainly of the British Army domiciled in India, were recruited from the military schools at Mount Abu, Sanawar and Ootacamund and have transmitted the best traditions of the Service to their descendants who are to be seen, to-day, employed in the third and fourth generations. We have but to take our memories back to the 1857 Mutiny to appreciate the great part played by the Department. Had it not been for the Indian Telegraph Department, it is quite likely that the history of India would have been a very different one. Apart from the services rendered to the Government by this Department as a whole, the annals of the Indian Mutiny afford ample evidence of the heroic conduct of many Anglo-Indians

10<sup>2</sup> Novembris, 1933.]

[Continued.]

and Domiciled European Telegraphists, among whom the name of Brendish stands immortalised. It was in memory of his brave deed that the late Lord Curzon, when Viceroy of India, unveiled a monument in the Imperial City of Delhi which will live for ever as a lasting tribute to a hero who, despite the massacre of his comrades while on duty, displayed the greatest presence of mind and courage by standing at his post and, after many fruitless efforts, succeeded in sending that memorable message across the telegraph wires to Umballa, which not only arrested the advance of the Mutineers, but enabled the British troops to take prompt and effective action and so saved the whole of the Punjab for England, or, as Sir Robert Montgomery put it, "the Electric Telegraphs saved India." These words were repeated by Lord Curzon at the unveiling ceremony of the Brendish memorial. This alone, we respectfully submit, should entitle the Community to adequate protection to-day. Again, it was Scott, another Anglo-Indian, who was carried away to death by an avalanche while restoring communications in the mountains of Kashmir and it was Stow, another brilliant Anglo-India Engineer and Officer, who died on duty of heart failure, while climbing the Garo hills in Assam. O'Brian was killed by rebels when he attempted to restore communications in Manipur. We could recite many similar heroic deeds. The names of these heroes are enshrined in our memories and their deeds redound to the credit of the Community. The glories of these men are entombed in the history of British India for nearly a century and their descendants and successors in office are, to-day, rendering equally good service.

From the Mutiny to the recent Great War and even to-day the Indian Telegraph Department has played a great part in all campaigns in India and not only has it responded to the stress of its daily life, performed at times under harassing and harrowing climatic conditions, but its Anglo-Indian members have freely volunteered for active service, very many of whom were mentioned in despatches and received honours. Moreover, the Anglo-Indian and Domiciled European members of this Department supplied a large contingent to the old Volunteer Force and the Indian Defence Force, and to-day, as members of the Indian Auxiliary Force, form a defence protecting, in times of need, the Telegraph office and their lines of communication. It is well known that Anglo-

Indians and Domiciled Europeans of the Telegraph Department, were almost exclusively employed in the various Frontier outposts in the various Frontier Expeditions, notably the Chen Lushi and Chen Hills expeditions, the Burma War of 1886 and were specially requisitioned for service during the Punjab and Frontier revolt of 1919.

*Effects of Indianisation.*—Till 1878, the Telegraphist Branch of this Department was entirely manned by Anglo-Indians and Domiciled Europeans, and, although, in subsequent years, Indians were gradually recruited into it, the Government of India found it necessary, as recently as 1902-3, to make a definite pronouncement that the number of Anglo-Indians and Domiciled Europeans in certain sections of the Department, should not fall below 66 $\frac{2}{3}$  per cent. This percentage was steadily maintained until about 1916, after which and, notwithstanding the orders of the Government of India, more Indians entered and the percentage of Anglo-Indians correspondingly dropped to about 50 per cent. in 1920. It was mainly during this period 1916-20, on forcible representations being made, that Government realising its obligation to the Community, raised their salaries, status and prospects. It was in this much improved condition that the Reforms began to operate in the Department, but since the year 1920, notwithstanding the promises of protection which have been given, the percentage of Anglo-Indians has steadily decreased until, to-day, it has fallen to less than 40 per cent. in certain sections of the Department in which it was formerly employed. We are, therefore, naturally apprehensive that the present advance in Reforms will still further reduce, indeed exclude us altogether from this employment unless adequate and statutory protection is given.

We submit there never has been any reason why our members who are employed in such small numbers in the Posts and Telegraphs Department, should not be privileged to continue in the Telegraph Department for which they are particularly suited. It is, however, significant to note that the process of Indianisation of the Engineering branch has been so rapid that out of 45 Engineering Supervisors recruited for the Telegraph and Telephone systems during the two years ending March, 1932, only four appointments were allotted to Anglo-Indians. We have grave apprehensions that the continuance of this policy will soon shut out the Anglo-Indian from a

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[Continued.]

Service that he and his ancestors have built up, and we plead that instructions be issued that adequate provision be made in the recruitment rules for a suitable number of the available appointments to be made to the Community until they are able to open out for themselves a wider range of employment.

In other Branches of the Service (Commercial)—Telegraph Offices—there has been a rapid diminution in recruitment of suitable Anglo-Indian and Domiciled European candidates from the best schools and a great increase of appointments of Indians in what is known as the "Station Service" which is particularly suitable for them, as they are not liable to transfer from their own Station. Indeed, the recent Retrenchment Committee on Posts and Telegraphs recommended the abolition of the "General Service" of Telegraphists in which a large number of the Community were employed, to be substituted by the "Station Service," in which a large number of Indians are employed. This recommendation, which we understand the Government of India has accepted, will have a disastrous effect on the economic future of the community, for it must be remembered that, as Telegraphists in the "General Service," the Anglo-Indian members have always gladly served in any part of India and Burma, which has meant that they have never been able to make settled homes, on account of the exigencies of their service and, in consequence, many of their children have suffered from education disabilities due to the change of residence from Province to Province, indeed the Anglo-Indian Telegraphists may rightly be called, the gipsy community of the Indian Services.

*Statistics.*—In support of our statement, we desire to quote figures of Anglo-Indian and Indian employees from the largest Presidency Telegraph Office in India—Calcutta.

1913-1918.

Anglo-Indians	..	..	329
Indians	...	...	99

1918-1923.

Anglo-Indians	...	..	252
			(decrease 77)
Indians	...	...	178
			(increase 75)

1923-1928.

Anglo-Indians	...	...	166
			(decrease 86)
Indians	...	...	242
			(increase 64)

These figures, which cover a period up to 1928, show a decrease of about 50 per

cent. within a short space of 15 years, and may be taken as applicable to the Department in general. It is true that, to-day, the Community enjoys a fair share in certain sections of the superior appointments reserved for subordinates of the Service, as also the superior traffic service appointments and in the upper subordinate grades. But this is not only departmentally justifiable, but naturally right, as being the just reward to subordinates who, after long and continuous years of service, by sheer merit and ability, have advanced step by step to some of the higher posts. But the distressing feature of these appointments is the fact that most of the incumbents are between the years of 40 and 55, who, within the next 10 to 15 years, will be superannuated and will have entirely disappeared from the Service. This together with the small number of Anglo-Indians recruited to-day, gives rise to grave apprehension of our future in our promotion to these appointments, because in the lower subordinate grades, i.e., "Telegraphists," there is a steady increase in the appointment of Indians, a class of employee who, in time, will occupy the upper superior posts. The competitive examination now in force for entrance into the Department of Telegraphists, while it has opened the door wide to Indians, has considerably narrowed it to Anglo-Indians. We would also like to state that, as a result of a reduction of 25 per cent. of Home recruitment in the superior Telegraph Service, these appointments are, to-day, being recruited by open competition in India, for which a University Degree is demanded, which still further narrows the door of entrance to such appointments to members of the Community. The late Lord Birkenhead, Secretary of State for India, when he received the Anglo-Indian Deputation in 1925, acknowledged the great services rendered by the Community to the Empire in the Telegraph Department; indeed, one of the ablest Director-Generals of this Department, Sir Geoffrey Clark, I.C.S., frequently stated in public that, but for the Anglo-Indian and Domiciled European Community, the Telegraph Department could not have been administered as efficiently as it was during his Directorship. We have no desire, indeed we would not refute the right of other Indian communities to enter and be given appointments in the Telegraph Department, but we feel we have a strong claim on the Government to protect the posi-

10<sup>o</sup> Novembris, 1933.]

[Continued.]

tions of Anglo-Indians in this Service, for it is our prerogative as "Statutory Natives of India" (if this term has any practical meaning at all) to share in the full benefits of Indianisation and an adequate percentage of appointments in this Department in which we have, for generations, shown particular aptitude and ability and with which our economic interests are so intimately welded. The displacement of our employment as being witnessed to-day, as we hope to show in the attached statistics, is bound to react on and seriously disturb the domestic economy of a large section of the Community, because it must be remembered that there are to-day about 2,500 Anglo-Indian and Domiciled European employees in this Department, who, with their wives, children and dependents,

constitute a total of about 15,000 members of the Community employed in or dependent on the Posts and Telegraphs Departments.

Out of a total of about 130,500 employees in the Posts and Telegraphs, about 2,500 only, or less than 2 per cent. are Anglo-Indians and Domiciled Europeans. With such a small percentage of employment in this Department, we submit there should be no difficulty to provide for the majority communities and others, without effecting any reduction in our numbers in these Branches and unless some adequate provision is made to protect us—the builders and maintainers of one of the most efficient systems of communication in the world—we will soon be dispossessed of what we rightly hold to-day.

## STATEMENT A.

STATEMENT SHOWING THE STRENGTH OF NON-GAZETTED STAFF OF THE POSTS AND TELEGRAPHS DEPARTMENT (EXCLUDING LINE, DELIVERY AND MENIALS) DURING THE TWO YEARS 1928-29 AND 1931-32.

Year.		Europeans.	Hindus.	Muham- madans.	A.I. & D.E.	Others.	Total.
1928-29	... ..	63	28,648	7,216	2,700	2,683	41,310
1931-32	... ..	51	26,860	5,889	2,332	2,861	37,993

*Note.*—Statistics classified by communities prior to 1928-29 and subsequent to 1931-32 are not available. The following figures in Statements B and C show recruitment by Communities during the 4 years ending 31st March, 1932, and clearly illustrate how rapidly Anglo-Indians and Domiciled Europeans are being displaced. These figures show a reduction of 13.6 per cent. in the number of Anglo-Indians and Domiciled Europeans within the 3 years ending 31/3/32, but we are convinced that when the figures of 1932-33 are available, they will show a reduction within 4 years of more than 20 per cent.

## STATEMENT B.

STATEMENT SHOWING RECRUITMENT BY COMMUNITIES DURING THE FOUR YEARS ENDING 31ST MARCH, 1932.

## "GAZETTED SERVICE."

Year		Europeans.	Hindus.	Mahommedans.	Anglo- Indians.	Domiciled Europeans.	Others.	Total.
1928-29	... ..	1	6	1	—	—	—	8
1929-30	... ..	—	3	2	—	—	2	7
1930-31	... ..	—	—	—	—	—	—	—
1931-32	... ..	—	3	1	—	—	—	4
Total	... ..	1	12	4	—	—	2	19

*Note.*—It will be observed that in the Gazetted ranks out of 19 appointments between the years 1928 and 1932, no recruitment was made from Anglo-Indians and Domiciled Europeans.

10<sup>o</sup> Novembris, 1933.]

[Continued.]

## STATEMENT C.

STATEMENT SHOWING RECRUITMENT BY COMMUNITIES DURING THE FOUR YEARS  
ENDING 31ST MARCH, 1932.

## NON-GAZETTED.

Year.	Europeans.	Hindus.	Mahommedans.	Anglo-Indians.	Domiciled Europeans.	Others.	Total.	
1923-29	...	—	1,266	414	95	1	215	1,991
1929-30	...	—	1,215	497	105	13	280	2,110
1930-31	...	—	735	366	46	4	154	1,305
1931-32	...	—	229	99	27	2	58	830
Total	...	—	3,445	1,376	273	20	707	6,236

*Note.*—These figures show that, during the years 1928-29 to 1931-32, only 293 or 4·7 per cent. out of a total of 6,236 appointments were allotted to Anglo-Indians and Domiciled Europeans, but it further shows the startling fact that, within the two years 1930-32, only 79 or 3·2 per cent. of a total of 2,135 appointments were given to Anglo-Indians and Domiciled Europeans. There has been no recruitment during 1932-33 and no statistics are available for this period, but a considerable amount of retrenchment has been effected which we feel sure has operated chiefly against members of the Anglo-Indian and Domiciled Community in these Non-Gazetted ranks of the Department.

From the foregoing statistics it will be seen that in 1928-29, there were 2,700 Anglo-Indians and Domiciled Europeans or 6·5 per cent. of the total of Non-Gazetted employees in the Posts and Telegraphs (excluding Line, Delivery and Menials). Small as this percentage was, it has been reduced by 368, that is by 13·6 per cent. of its numbers within a short period of three years. This rapid decimation in the service of the Community will mean, in a few years, their complete elimination. There has been no recruitment during the past two years and when the result of the retrenchments effected in 1932-33 are published, it will be found that nearly 10 per cent. more of Anglo-Indians and Domiciled Europeans have been eliminated, bringing the total almost to about 70 per cent. of what they were in 1928-29.

We respectfully submit that in no Service can any Community stand a reduction of over 20 per cent. of its numbers within a short period of four years, without suffering great economic loss and without feeling a serious set-back in its social and domestic standards and still less can the Anglo-Indian and Domiciled Community, whose entire economic life, by tradition and necessity has been, hitherto, intimately connected with this Service, stand such a great strain. We submit that this process of rapid reduction is not in keeping with the honourable promise given to us by the Government of India, in its reply to the 1925 Deputation to the Secretary of State,

vide Home Department letter F. 164-28 Establishments, dated 11th September, 1928, wherein it is stated that the Government “see no reason to anticipate that the number of Anglo-Indian recruits will decrease to any marked extent in the near future providing that their calibre is maintained and they believe that, in any event such reduction will be *gradual*.”

The calibre of the Anglo-Indian Community has not only been maintained but has considerably improved. The majority of our men who are offering themselves to-day for service in the “Telegraphists” ranks of the Telegraph Department are of the Matriculation or Senior Cambridge educational standards. It is, nevertheless, significant that in spite of these facts and in response to the demands and political pressure from other more powerful Indian communities, recruitment in this Department from the best European Public Schools in India, as formerly obtained, and from which the best class of boys were drawn, has been recently discontinued to the consternation of the Community. We are disappointed to find that the promises given by the Government of India have not been fulfilled and we apprehend that the position will be worse in the future if adequate provision is not made to prevent a marked reduction in the number of the Community employed in this Department; for we submit, that, unless such protection is given, it will result in a large number of our Community

10<sup>o</sup> November, 1933.]

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sliding down to a lower social status, driving them to the ranks, not only of the unemployed, but of the Depressed Classes.

*Claim.*—We, therefore, claim that we be given statutory protection in this Department and that the number of appointments we hold to-day be not reduced for at least another thirty years and that, subsequent to this period, adequate protection should be made for a sufficient number of Anglo-Indians to be annually recruited into the Telegraphist Branch of this Service, and in this connection we would suggest that at least fifty Anglo-Indians be recruited every year into this Branch.

We make this demand in the full confidence that the Joint Parliamentary Committee will grant us this protection in return for the unparalleled services which the Community has rendered to this Department from the pre-Mutiny and Mutiny periods to the present day and for the special aptitude it has shown and which we claim has become more or less hereditary in character.

*Note.*—I have just received a cable from the Anglo-Indian and Domiciled European Association in India, which reads as follows —

“On grounds of economy the Varma Committee recommend replacement of portion of Telegraph Masters and Telegraphists by cheap clerical and postal staff, which means the removal of forty per cent. Anglo-Indians as inevitable and so causing ruination to six hundred families stop. The implications involve a rapid extinction of Anglo-Indians from this Department stop. Telegraph Department of Britain has never been a revenue earning department, as Parliament has always voted its deficit for fifty years, therefore, why expect differently from India.”

and I take the liberty of making the following personal additional observations.

In 1932, the Retrenchment Committee on the Posts and Telegraphs Department (to which I was denied co-option), submitted a report which has, in the main, been accepted by the Government of India. This report seriously affected the position of the Community employed in the Indian Telegraph Department, especially the Telegraph Master and Deputy Superintendent classes. Later on, the Government of India appointed

another Committee, called the “Varma Committee” which has since submitted its report and it is on the findings of this Committee that this cable is based. Bad as is the present position of the community in the Indian Telegraph Department, the recommendation of the “Varma” Report, if accepted, will make things much worse, for it indicates an additional reduction of 40 per cent. of Anglo-Indians and Domiciled Europeans employed in the Service. This means that economic ruin and starvation will face nearly 600 Anglo-Indian and Domiciled European families (a total of about 2,500 of the community) which will render our position in the Department much worse, indeed, it practically means a shattering of our economic position in the Telegraph Department. It, therefore, follows, that this reduction of 40 per cent. of our employment in the Indian Telegraph Department, should be added to the already disastrous effect that Indianisation has already had on the Community, because very few, if any, Anglo-Indians and Domiciled Europeans are, to-day, to be found in the lower clerical and Postal Staffs, which means that Anglo-Indian Telegraphists will be replaced by Indians under the cloak of economy and Indianisation of the Service.

In this connection, I would draw attention to the Chapter in this Memorandum on the Postal Service to show how few Anglo-Indians are employed in it.

I beg to offer my emphatic protest against such treatment and would respectfully ask the Joint Parliamentary Committee to read the chapter on the Telegraph Department in conjunction with this, my personal note.

#### M.—POSTAL SERVICE.

Indianisation has practically shut out the Community from the upper and lower subordinate grades of this service (excluding Telegraphs), in both of which, at one time, it held many appointments. This exclusion has been the development of many years. A reference to the statistics given, which refer to 1928, will support this statement and we are convinced that the position is much worse to-day. We have, hitherto, made no complaint against the lower subordinate appointments, especially in the moffussil, because, the standard of living and habits of Anglo-Indians and Domiciled Europeans are such, as to preclude them from living in Indian villages, but even these hardships we are prepared to



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undergo, faced as we are to-day with the ghastly spectre of unemployment, with its attendant misery and suffering.

We admit we have, to-day, a fair number of appointments in the higher paid upper subordinates and subordinates promoted to the official grades, but these are very senior men, who, years ago, started as subordinates and are, to-day, reaping the benefits of their earlier labours, but we would add that most of them are nearing the age of superannuation and will soon disappear from these appointments.

We append statistics for the Provinces of Bengal and Assam, which show that in 1928, in the lower grade of Postmasters carrying salaries from Rs.160/- to Rs.250/- per mensem, the effects of Indianisation are very pronounced, for there are 123 Indians and only 5 Anglo-Indians. Again, in the grade of Inspectors of Post Offices, on Rs.160/- to

Rs.250/- per mensem, all the appointments, 89 in number, are held by Indians and none by Anglo-Indians and Domiciled Europeans. As regards the moffussil appointments, there are 1,851 Indians employed but not a single Anglo-Indian. Items 3 and 4 of the statistics given add further testimony to the fact that the Community is all but excluded from these grades, there being 1,186 Indians employed as against 10 Anglo-Indians. It seems that in this Service there is no room for further Indianisation, as a certain section of Indians interpret this term. These figures show that in 1928 out of a total of 3,264 such appointments in one Postal Circle (Bengal and Assam) 3,249 are held by Indians, and only 15 by Anglo-Indians and Domiciled Europeans, i.e. about 0.5 per cent., a condition which we believe obtains in other Provinces.

## BENGAL AND ASSAM POSTAL CIRCLE.

	Indians.	European and Anglo-Indians.	Percentage.
1. <i>Inspectors of Post Offices, Rs. 160/250</i> ... ..	89	—	0%
1A. <i>Postmasters. Rs. 160/250</i> ... ..	123	5	4%
2. <i>Officials in Moffussil. Time Scale of pay</i> ... ..	1,851	—	0%
3. <i>Officials in Calcutta G.P.O. and T.S. in Time Scale of Pay, Rs. 50/160</i> ... ..	1,002	7	0.7%
4. <i>Reserve Officials in Calcutta G.P.O. and T.S. Os. Rs. 150/160</i> ... ..	184	3	1.6%

## N.—CUSTOMS.

The present insecure position of Anglo-Indians and Domiciled Europeans in the Customs Department in India, is a source of grave anxiety to us. Broadly speaking, this Service is divided into three main Departments:—the Preventive Branch, Appraisers Branch and the Clerical or Ministerial Branch.

(a) *Preventive Department.*—The Preventive Branch of the Service in Calcutta (of which station alone accurate data is available), since its inception in 1852, till the introduction of the Reforms in 1920, was *entirely* staffed by the Anglo-Indian and Domiciled European Community. To-day, after a decade of the operation of the Montagu-Chelmsford Reforms, the Community has been deprived of 25 per cent. of its strength and, if recent figures are taken since the present retrenchment policy has operated, it would be found that this percentage has been augmented, and we have every reason to state that the same condition obtains in the other great ports of India, namely, Bombay,

Karachi, Madras, Rangoon and Chittagong. At this rate, within a few years, the pressure of Indianisation will have squeezed the Community entirely out of the Preventive Department. The exclusive employment of Anglo-Indians in the Preventive Branch in pre-Reform days was undoubtedly due to their peculiar suitability for the work, and to their honesty and reliability. Apart from the responsibility of preventing contraband articles from entering or leaving the country, there was the very important duty of preventing the smuggling of arms and ammunition into India, and the realisation of the Community's inherent loyalty to the Government was indisputably the factor which influenced the Government to staff this important Branch of the Service entirely with members of the Domiciled community. For nearly a century these conditions prevailed. What the loyalty and devoted work of the community during this long period has meant to Government and to India, not only on account of the enormous revenue the

10<sup>2</sup> Novembris, 1933.]

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Government has derived, but in the prevention of smuggling of arms and ammunition into the country, cannot now be known or reckoned. For these services alone it is reasonable to expect that the economic position of the Community should receive adequate and statutory protection.

(b) *Appraisers Department*.—The above remarks apply mutatis mutandis to this Branch of the Service. Till 1909, Europeans and Anglo-Indians entirely staffed this Department, but since the Reforms of 1920, the progress of Indianisation has been so accelerated that, between the years 1920 and 1927, employment of the Community in this Department has been reduced by nearly 60 per cent. We submit, that if Indianisation of this Department proceeds at this rate, within 20 years, Europeans and Anglo-Indians will be entirely supplanted by Indians.

(c) *Clerical and Ministerial Department*.—In these Departments there are very few members of the Community employed, for out of 370 appointments in the Ministerial and other grades, carrying salaries of Rs.100 and upwards, to-day, there are only 14 or less than 4 per cent. held by Anglo-Indians and Domiciled Europeans. In consideration of the hundreds of crores of rupees that have accrued to Government from this, its most important revenue bearing Service and which, in a large measure, has been due to the honest and faithful work of the Anglo-Indian community before and after it passed from the administration of the East India Company to the Crown to the present date, we claim that any demands for statutory protection cannot, to-day, be regarded as extravagant, particularly as the number of individuals involved is so small as to be of

negligible economic importance to Indians, whereas it means the uplift and salvation of a large number of the Community.

Protection is justified among many other reasons by:

(1) The abnormal number of appointments held by Indians in outdoor and indoor Ministerial service, and for which the Anglo-Indian does not compete and in which he is employed in infinitesimal numbers.

(2) The absence of Anglo-Indians in the superior branches of the Service which have been largely Indianised, and

(3) Legitimate reward for the efficient building up and maintenance of the Preventive and Appraisers' Branches of the Service, extending to almost a century.

We append below figures which show the position the Community occupied in this Department in the year 1928, but we have no hesitation in stating that the percentage of Anglo-Indians and Domiciled Europeans employed in these two Services to-day, owing to the acceleration of Indianisation, as also the retrenchment policy recently adopted, has markedly reduced our numbers and the most serious aspect of our present day position is that at least 50 per cent. of the Community employed to-day in this Service are between the ages of 40 and 55. This means that, in addition to a considerable reduction in recruitment of new entrants and which will have its reaction within a few years this 50 per cent. of senior men, who will be superannuated within 10 to 15 years, will still further reduce our present percentage to about 25 per cent. of the Service.

(1) CUSTOMS PREVENTIVE SERVICE, CALCUTTA.

Years	1923-1919.	1919-1920.	1920-1921.	1921-1922.	1922-1923.	1923-1924.	1924-1925.	1925-1926.	1926-1927.	1927-1928.	1931-1932.
No. of Anglo-Indians and Domiciled Europeans ...	—	249	240	235	230	222	214	208	204	201	174
No. of Indians ...	Nil	5	14	19	24	32	40	46	50	53	65
Approx. Percentage of Indians ...	Nil	2	5½	7½	9½	12½	15½	18	20	20½	27
Sanctioned strength.											
Inspectors	...	...	...	...	...	...	...	14			
Officers	...	...	...	...	...	...	...	240			
Total	...	...	...	...	...	...	...	254			

10<sup>o</sup> Novembris, 1933.]

[Continued.]

## (2) CUSTOMS APPRAISERS' DEPARTMENT, CALCUTTA.

1908. 1909. 1910. 1914. 1917. 1920. 1922. 1924. 1926. 1927. 1931-32.

|                                       |     |     |   |   |   |   |   |    |    |    |    |    |
|---------------------------------------|-----|-----|---|---|---|---|---|----|----|----|----|----|
| No. of Indians Employed ...           | ... | Nil | 1 | 3 | 5 | 8 | 9 | 10 | 18 | 20 | 22 | 23 |
| Present strength                      |     |     |   |   |   |   |   |    |    |    |    |    |
| Indians ...                           |     |     |   |   |   |   |   |    |    |    |    |    |
| Anglo-Indians and Domiciled Europeans |     |     |   |   |   |   |   |    |    |    |    |    |
| Sanctioned strength                   |     |     |   |   |   |   |   |    |    |    |    |    |
|                                       |     |     |   |   |   |   |   |    |    |    |    |    |

Our demand therefore is, that our present number employed in these two Departments of the Customs (Preventive and Appraisers) be not reduced to less than 50 per cent. for the next 30 years.

## O.—THE ARMY.

Our allegiance and our loyalty to all that is British has been our creed ever, and certainly needs no reaffirmation on our part, but now that Government has stressed the Parliamentary Statute, calling us "Statutory Natives of India" for occupational purposes, we are confronted with the problem of our future position in the military organisation and defence of India and cannot allow the fact to be overlooked that, while for defence of Empire purposes, i.e. in the Auxiliary Force, we are classed as "European British subjects," we are to-day refused admission into the ranks of the Indian army except as Indians and although our standard of living is higher, we are asked to accept an Indian Sepoy's wages.

The bulk of the old Volunteer Force from which, during the Great War, evolved the Indian Defence Force and which, in its turn, became the present Auxiliary Force, was and is still to-day, mainly composed of Anglo-Indians and Domiciled Europeans. This Force, which is an effective second line of defence, auxiliary to the standing British Army, means an annual saving to-day of a considerable sum of money to the Indian Exchequer. We have already detailed our past Military services to the Empire, but, as a further instance of our fitness for military service, we would refer to the record of the Indian Medical Department, an integral part of the British Army in India and a Department exclusively reserved for members of the Domiciled community, but who, though gazetted along with other British Departmental Officers and Warrant Officers are, on account of their birth and domicile in India, treated as inferior to the other Ancillary Branches of the Army,

recruited from the rank and file of the British Army.

It was only during the War, however, and when England had need of more men and women, that all ranks of the British Army and its Ancillary Branches, such as the Indian Army Service Corps, the Indian Ordnance Corps, and the Military Nursing Service for Women, etc., were thrown open to us and we were freely enlisted and treated on terms of equality with the British officer and soldier. When peace was declared the doors were closed again, and to-day, we find ourselves in precisely the same position, as far as the Army is concerned, as we occupied in 1830 when Mr. Ricketts, the Anglo-Indian Representative, submitted his petition to the Houses of Parliament on behalf of the Community. As in 1830 so in 1933—a period of over 100 years—all avenues of employment in the British Army except during crises, are closed to us, *unless we deny our birthright*. Except for the *very* few Anglo-Indians who have entered Sandhurst in England and later in India, by open competition with Indians, it is to-day, denied the privilege and honour, as loyal citizens of the Empire, of serving as regular soldiers in the Army, except on Indian wages; even then we are told that the enlistment of Anglo-Indians into the rank and file of the Indian Army, which is more or less a Caste Army, would disturb its caste homogeneity.

Many representations have been made in vain to Government and the Indian Army authorities for the community to be allowed to form an Anglo-Indian Regiment or Battery, or to enter the various Ancillary Branches. After frequent representations in the Legislative Assembly, the Army Department in India in 1930, submitted a scheme to the Secretary of State for India for the formation, on a small scale, of an Anglo-Indian Signal Company. It received his sanction and was on the point of being gazetted when the recent Military Retrenchment Committee in India recom-

10<sup>o</sup> Novembris, 1933.]

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mended its abolition and we were again denied this small chance to share in the defence of the country.

We are also told that if such a Unit were formed it would not attract a good class of the community. This might have been true a decade ago, when unemployment was almost unknown in our ranks, but it does not obtain to-day, because, with all our former avenues of employment being closed to us and Government powerless to help us in this direction, there are hundreds of our fine manly lads, well developed and loyal, annually leaving our Public Schools in quest of employment, who would gladly accept Military Service and we are sure would, as in the past, prove themselves as good soldiers as are to be found in any parts of the British Empire. We ask, is this a fair and a just reward to a community possessing such fine military traditions and loyalty. Surely, it is not the intention of the Government to render our economic position worse and drive us into a Depressed Class, by refusing such excellent material an honourable place in the defence of its own country, while other communities, some with no military records or traditions, are being given every opportunity to join the Indian Army.

We feel we can confidently appeal to the Joint Parliamentary Committee to remedy this gross injustice. We have *never* failed India or England and all we ask is to be given a chance to prove our worth in the future, as we have abundantly done in the past.

We desire that:—

(a) We be allowed to form an Anglo-Indian Unit, or Battery of Artillery or a Signal Corps.

(b) We be allowed to enlist in all the Ancillary Branches of the Army, such as the Indian Army Service Corps, the Indian Army Ordnance Corps, Military Works' Service, Military Nurses Service in the British Army in India, as also the R.A.M.C. (Ranks), etc., etc., which we submit would lead to great economy in the Military Estimates with no loss in efficiency.

(c) We be given a larger number of Commissions in the Auxiliary Force. In this connection we would point out that, though we form the major part of this Force, we have few Anglo-Indian and Domiciled European Officers in it. The Army authorities have definitely refused our request for more officers and

placed the responsibility of making such appointments in the hands of Officers Commanding Battalions.

When we turn to the Indian Territorial Force, we see quite a different picture, for almost every officer in this Corps, except perhaps, the Commandant and the Adjutant is, or has to be an Indian, with the same status, etc., as an officer of the Indian Auxiliary Force, and yet, it must not be forgotten that the Indian Territorial Force is the second line of defence of the Indian Army and is liable for service abroad. When this demand was pressed from all sides in the Legislative Assembly and in Committee on behalf of Indian Officers, and violent attacks were made on Government in connection with the Sandhurst Committee, the Army Department did not hide behind the Officers Commanding, but readily yielded to pressure and consented to the Indian Territorial Force being officered by Indians with equal status and a larger percentage of Indians being admitted into Sandhurst. But now consider the case of the Anglo-Indians. Here you have a community whose record of Military service is undeniable and, though it supplies the bulk of the Auxiliary Force, is denied an adequate share in the officering of this Unit. We are, in a large measure, silenced into accepting this position by the pressure of conscription on the large numbers of Anglo-Indians in the Auxiliary Force (approximating to 14,000) for whom employment on the Railways is conditional on enlistment.

To-day, in response to powerful and incessant political clamour and pressure from other communities, the Government is rapidly Indianising the Indian Army and replacing British Officers by Indians. We have no complaint against this policy, but we submit that, equally with the other Indian communities, we have every right to officering a Force mainly composed of Anglo-Indian and Domiciled Europeans and whose traditions and record of service we have materially helped to build up and maintain.

This treatment is one more illustration of our peculiar difficulties, placed as we are, midway between the European and the Indian, actually of neither, with our very existence threatened in the land of our birth, for which we have given our best for almost four centuries. We therefore feel we are entitled to demand that we be given a larger number of Officers in the Indian Auxiliary Force.

10<sup>o</sup> Novembris, 1933.]

[Continued.]

## P.—JURY RIGHTS.

Under the Criminal Procedure Code "Indian British Subjects," "European British Subjects" and "Americans" are given certain jury rights, but proof of legitimate descent is neither asked for nor needed from the Indian and rarely asked for from the European—his colour seems to be the deciding factor in such cases. We feel, therefore, as a bare measure of justice, the words by "legitimate descent" should either be deleted from this Section or that every member of every class which is accorded special jury privilege under the Code should, likewise, be called upon to prove that he is of legitimate descent. To demand proof of legitimacy and lineage as a passport to justice is, we submit, not only a relic of barbarism and un-British, but unknown in any other part of the British Empire, indeed the world, and we claim that this demand should be deleted from the Criminal Procedure Code.

We have no desire to question the principle underlying these provisions, for it is but right that the Indian should be tried by a jury the majority of whom are Indians and the European by a majority who are Europeans; but, it is quite possible also that an Indian may, in certain cases, prefer to be tried by a jury, the majority of whom are Europeans and vice versa; indeed, we know of no law which prevents an Indian demanding a European majority jury for, with him, legitimacy is not a *sine qua non*.

We wish here to state that it is not with any feelings of mistrust towards our Indian brethren that we make this claim; our only desire is to place ourselves on a level with both Indians and Europeans and to obtain equal jury rights.

We feel that if every accused were given given a choice as to whether he preferred to be tried by a jury with an Indian or a European majority, it would eliminate all racial discrimination and while it would not, in any way, prejudice the legal rights of anyone, it would, at the same time, give the Anglo-Indian and Domiciled European community the equal right of a choice of a jury, a majority of whom shall be Europeans or Indians. In order to equalise our position and place the Anglo-Indian on the same footing as other communities in India, as also to afford protection to Indians, placed in positions of difficulty, we would suggest that the words "or Europeans as he may desire" be added to clause (i) of section 275 and clause (i)

of Section 284 (a) of the Criminal Procedure Code.

In these circumstances we ask that—

(i) the words by "legitimate descent" in section 4, Clause (i) Sub-clause (ii) Criminal Procedure Code be deleted.

(ii) to sections 275 clause (i) and section 284 (a) clause (i) Criminal Procedure Code, the following words be added "or Europeans as he may desire."

We are prepared to elaborate this claim when giving evidence.

## Q.—CONSTITUTION.

## 1. Cabinets:—

It is an admitted fact that to introduce Communalism into any Constitution controlling the various Cabinets, Public Services Commissions and even the Statutory Railway Board, etc., would be contrary to the principles underlying real democracy, which is our ideal and would be the direct negation of Nationalism. But so far as India is concerned, we must face facts and the numerous anomalies that are to be found in the White Paper, and, to add one more, we submit, would not alter the position very much.

For instance, it will not be denied that in all such bodies of the Government of the New India, there will be—indeed, *there must be*—adequate communal representation of the major communities. We submit that, though this is necessary and inevitable, its introduction into the various Cabinets, in practice, admits communalism and, as such, we ask what representation will be given to the other Minorities, who, together, have a total population of nearly 60 millions? We submit that their interests and safeguards must not only be suitably represented, but that adequate and definite executive power should be embodied in the New Constitution Act which would enable these safeguards to be put into practical effect. The White Paper, in a measure, admits this necessity, but does not outline how it is to be given. Further we contend, that for the first decade of the operation of the New Constitution Act, the economic protection of the various minorities will form one of the most important and difficult problems, if not the most important, that will need constant enquiry and adjustment.

Holding these views, we suggest:

(a) That in all Cabinets, Federal and Provincial, as also in all Public Service Commissions, etc., there should be at

10<sup>o</sup> Novembris, 1933.]

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least one member to represent and protect the interests of all the smaller minority communities.

(b) Also, we suggest that to one of the three Councillors suggested for the Governor-General, should be given the special portfolio of safeguarding the interests of all the smaller Minorities in the Federal Services.

(c) We also suggest that (a) and (b) be incorporated in the New Constitution Act.

We submit, that to make the fulfilment of these safeguards justiciable, would not meet the requirements of Minorities—we speak particularly of the Domiciled Community—for no Courts of Law could possibly protect them against any acts of injustice in the day-to-day administration of Departments, and it is in the adjustment of such matters, when they affect the Community as a whole and which (as judged by the prejudicial effect Indianisation of the Services has already had on the Anglo-Indian Domiciled European Community) we fear they will, that we seek this representation.

(d) In regard to the Public Service Commissions, we submit that paragraph 5, sub-paragraphs 1, 2 and 3, of the Services Sub-Committee Report No. viii. should be incorporated in the New Constitution Act.

## 2. Franchise.—Representation in the Lower Federal Chamber.

We desire that the four seats which have been allotted to the Community in this Chamber should not be rigidly confined to the four Provinces of Bengal, Bombay, Madras and the United Provinces, as adumbrated in the White Paper. We submit that this would exclude many important Provinces where large numbers of intelligent members of the Community reside, i.e., in the Central Provinces, Bihar and Orissa, Punjab, Assam, Baluchistan, Central India, and Bangalore, and other such seceded territorial areas. We, therefore, suggest that these four seats should be distributed over four distinct electoral areas, namely, North, South, East and West of India, so as to give every Province an opportunity of recording a vote and offering a candidate and, to this end, we would suggest the following:—

To Bengal should be added the Provinces of Assam and Bihar and Orissa; to the United Provinces should be added Punjab, Rajputana, N.W.F.P. and Delhi; to the Bombay Province should be added Central Provinces, Central

India, and Sind, and to the Madras Provinces should be added Bangalore and other seceded areas in South India.

## 3. Electorates and definition of Anglo-Indian Electors.

As an electorate we claim to be classed separately from the European British Community. We admit that the interests of the two Communities are, in many points, similar, but unlike the European our residence is permanent and we are sons of the soil and citizens of India. While in the past, by our origin, tradition, culture, education and training, we have worthily upheld British traditions and ideals which form the chief characteristics of the community and will continue to do so in the future, we claim, in clear and unequivocal language, to be one of the communities of India whose interests and aspirations are inextricably bound up with those of the rest of India.

We find that one of the chief factors which influenced the Franchise Committee of 1918-19 in advocating our representation in the Provincial Councils and the Legislative Assembly by nomination was the smallness of our population and the consequent difficulty of creating large enough constituencies. The Anglo-Indian Association drew the pointed attention of that Committee to the reasons which led to this state of affairs and laid emphasis on the need for a clear definition of the two communities—"Anglo-Indian" and "European." We give below the definitions as accepted by the 1918-19 Committee.

### 1. "European."

"Every person of European descent in the male line, being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa or whose father was so born or has or had, up to the date of the birth of the person seeking registration as an elector, such a domicile."

### 2. "Anglo-Indian."

"Every person being a British subject and resident in British India, of (a) European descent in the male line who is not comprised in the above definition, or (b) mixed Asiatic and non-Asiatic descent whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe,



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Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America and who is not entered in the European electoral roll."

"*Note*.—In applying the above definitions, it is proposed that the declaration of an elector that he is a European or an Anglo-Indian shall be accepted by the Officer charged with the preparation of the electoral roll, unless he is satisfied that the declaration is not made in good faith, in which case, the officer shall record in writing his reasons for refusing to accept the declaration of the elector."

We submit that these definitions are not only most unsatisfactory, but wholly misleading, and tend to and do lower the numbers of Anglo-Indian electors and swell the European electoral rolls. In the statistics supplied to the Franchise Committee of 1918-19, and incorporated in the Committee's Report, "Europeans" are classified as "European British Subjects" and "Anglo-Indians" as "Anglo-Indians." The term "European British Subject," has evidently been borrowed from the Indian Criminal Procedure Code. It includes every person of mixed legitimate descent who is of European parentage on the paternal side, as is almost every Anglo-Indian. The use of the words "European British Subject" for electoral purposes has been injurious enough, but this has been accentuated by its effect on the Anglo-Indian Census. Every Anglo-Indian member of the Auxiliary Force is a "European British Subject" on which status alone he is enrolled in the Force. There are about 25,000 persons of mixed origin, i.e., Anglo-Indians who are members of the Auxiliary Force to-day, and every one of these can and many do enrol themselves in the European electoral roll as "European British Subjects." The perpetuation of this ambiguity will continue to give a fictitious strength to the European population and electorate to the definite loss of the Anglo-Indian population and electorate. We, therefore, submit it is essential to draw up clear-cut definitions of "Europeans" and "Anglo-Indians" and so remove the ambiguity that obtains in the definition accepted by the Franchise Committee of 1918-19. We would, therefore, suggest for the consideration and acceptance of the Joint Parliamentary Committee, the following definitions:—

"*European*."—Every person of pure European descent on both sides and who is not a Statutory Native of India (vide Indian Councils Act, 1870—33 Vict., Chapter 3).

"*Anglo-Indian*."—Every person whose father, grandfather, or other progenitor in the male line was a European and who is a Statutory Native of India. (Vide Indian Councils Act, 1870—33 Vict., Chapter 3);

and further, that these two communities be classified as "Europeans" and "Anglo-Indians" instead of "European British Subjects" and "Anglo-Indians."

We feel it would not be irrelevant if we here refer to the fact that our population, as given in the Census of 1921, was inaccurate as has been admitted by the Census Commissioner in his Report. For various advantages, mainly economic and social, many Anglo-Indians elect to declare themselves Europeans, both for Census and electoral purposes. Realising this, the Anglo-Indian and Domiciled European Association offered its assistance to the Census Commissioner in the compilation of the 1931 Census returns and we are given to understand that in the 1931 Census there has been an addition of 22,000 Anglo-Indians to our 1921 Census totals. We regret to state that we cannot accept, as accurate, the census of the Community as given in the 1931 Census report, a fact which we communicated to the Lothian Committee, Government of India, and the Census Commissioner. Indeed, we feel that at least 20,000 and more of our community are included in the European Census returns. The Census Commissioner, himself, accepts the likelihood that some 10,000 Anglo-Indians have elected to return themselves as Europeans and in a speech he delivered in London stated that 175,000 would more correctly represent the total of our population in India and Burma.

Our detailed reference to this matter may appear to be a small one, but we respectfully submit it plays a most important part in the size of the Anglo-Indian electorates, because, on these figures must depend ultimately the strength of the community's representation on the various Provincial and Central Legislatures. It is for this reason that we request the Committee clearly to define a "European" and an "Anglo-Indian." We further submit that our present electorates in the various



10<sup>o</sup> Novembris, 1933 ]

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Provinces do not by any means afford correct estimates of our voting strength and that our claim for greater representation in the Legislatures on an electoral basis should not be assessed on the present strength as given in the 1931 Census report or in the electoral rolls in the Provinces.

#### R—SUMMARY.

I. *Nature of our Demand.*—We desire to stress that, measured by their effect on the interests of the millions of India, our demands are negligible in extent and, yet, are of such consequence to our Community as to safeguard it from extinction. Because of our precarious position in India as a numerically insignificant community, surrounded by teeming millions, sections of whom, have in the past, shown a marked hostility towards us, a claim for permanent protection, perhaps, would be as warranted as it would be justified by our past loyalty and service to Government and India. Nevertheless, we have endeavoured to approach our difficulties from a broader national outlook and have merely asked for a short period of protection to correct the disabilities which Indianisation of the Services has imposed on us and so to equip ourselves to take our place on equal terms with the other communities in India, till we can stand on our own feet.

II. *Status.*—We accept and endorse the status that has been accorded to us of "Statutory Natives of India"; but, at the same time, we wish to be protected against the dangers of our indefinite position, which renders us liable to disinheritance on the score of being non-Indians for the purposes of Indianisation of the Services, and of being Indians for the purposes of enlistment into the Army.

III. *Protection.*—In view of the fact that the economic position of the Community has been very seriously and prejudicially affected by the introduction of the Reforms and the progress of and misapplication of the policy of Indianisation and, in view of the proposed advance in the Reforms to India, we urge that adequate safeguards be provided, by statutory enactment in the New Constitution Act, for a stated period in the Provincial Civil Services, Provincial Judicial Service, Government of India and Provincial Government Secretariats, Salt, Forest, Survey, Police and other such Services.

We consider, moreover, that we have an indisputable and unchallengeable claim for many years to come on the Government, whatever form of constitution it may take, with regard to the Railways, Telegraphs and Customs, in view of the fact that these Departments have been practically built up and maintained since their inception by us, and because, with the large number of our people employed in these Services, their displacement, while it would not very materially benefit the Indians, would seriously upset the whole economic organisation of the Community and relegate it to the position of a Depressed Class. We desire that adequate safeguards be provided in these Services and that it be enacted in specific terms in the New Constitution Act.

IV.—We give below some of the specific claims in relation to the principal Services, in which we are mainly employed.

(a) *Railways.*—We request that the present number of Anglo-Indians and Domiciled Europeans, lower and upper subordinates and officials in Railway employment, be not reduced for a period of at least 30 years from the date on which the New Constitution Act commences to operate and, after that period, provision be made that an adequate number of the Community be employed.

That this protection be specifically embodied in the New Constitution Act and that adequate executive power be given to ensure it being put into effect.

(b) *Telegraphs.*—We desire that the present number of Anglo-Indians and Domiciled Europeans employed in certain sections of this Department, be not reduced for at least 30 years and, subsequent to this period, at least 50 Anglo-Indians and Domiciled Europeans be annually recruited into the Telegraphist section of this Department.

That this protection be specifically embodied in the New Constitution Act and that adequate executive power be given to ensure it being put into effect.

(c) *Postal Service.*—That we be adequately employed in all branches of this Service.

(d) *Customs.*—That at least 50 per cent. of appointments be reserved for Anglo-Indians and Domiciled Europeans in the Preventive and Appraisers Sections of this Service for a period of at least 30 years and, that subsequent to

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this, an adequate number of Anglo-Indians and Domiciled Europeans be recruited.

That this protection be specifically embodied in the New Constitution Act and that adequate executive power be given to ensure it being put into effect.

As an alternative to our demands for Railways, Telegraphs and Customs, we suggest that communal employment in all Government Subordinate appointments might be estimated on communal legislative representation in the Lower Federal Chamber, to be apportioned between the three main communities: Hindus, Muslims and Europeans-cum-Anglo-Indians, as detailed on page 17, Chapter on Railways.

(e) *Provincial Services*.—In view of the almost entire exclusion of the Community from the Provincial Government Services, as will be amply proved by reference to official records, we demand that in future recruitment to Provincially controlled public services, our just claims to representation should be adequately met.

(f) *Army*.—(i) That the formation of an Anglo-Indian Unit, Battery or Signal Corps be sanctioned.

(ii) That all Ancillary Branches of the Army be thrown open to the Community.

(iii) That we be granted a larger number of commissions in the Auxiliary Force.

(iv) That the present disabilities and differential treatment under which the I.M.D. suffer, should be rectified.

(g) *New Services*.—The progress of scientific invention, the political, social and economic development of India and other fundamental causes of change, will inevitably extend the sphere of governmental activity and control in India in the future. This means that new services will arise which we can hardly foresee at present. We, who represent the Anglo-Indian Association, demand that in all such Services, as they are created, the gate of entry shall be open to Anglo-Indians and that, furthermore, they shall be specifically guaranteed an equitable representation by the Government authority concerned.

(h) *Jury Rights*.—That every European or Indian British subject should have the right to choose whether he will be tried by a European or an Indian jury and that the law be altered accordingly.

(1) *Constitution*.

(i) *Franchise*.—That a clear definition of an "Anglo-Indian" be embodied in the electoral rules as enunciated in this Memorandum.

(ii) *Electorate*.—That the four seats allotted to the Community in the Lower Federal Chamber be not restricted to the Community residing in the Provinces of Bombay, Bengal, Madras and United Provinces, but that to each of these Provinces be added the neighbouring Provinces, so that the electorate will embrace the entire Community in India, both British and Feudatory, and so encourage in the Community a sense of corporate and political responsibility.

(iii) *Cabinets and Public Services Commissions*.—That the smaller Minority communities be collectively represented by at least one member in all Cabinets and Public Service Commissions and that one of the Councillors of the Governor-General should hold the portfolio to ensure the protection and putting into effect of all Minority interests and safeguards.

#### S.—CONCLUSION.

Before concluding, we take this final opportunity of briefly reviewing the tragic and chequered story of our community in the fervent hope that the facts which we have detailed in this Memorandum will not be overlooked and that our claims will be acceded to when the Joint Parliamentary Committee is called upon to decide our destiny in the New Constitution Act for India.

\*In the days when our forefathers insecurely owned but a few acres of Indian soil, we stood by them in the hour of storm and stress. We took our place at their side when they were defending themselves behind mud walls which weakly protected their warehouses and settlements. We fought for them against Indian Chiefs and ambitious rivals. We contributed to their victories. We shared in their disasters. When European wars on the Continent claimed every available recruit for the Home forces, we augmented their depleted armies in India. We explored the markets which swelled their trade and expanded their commerce. When they entered upon the consolidation of their Empire in India, we formed the wheels, the cranks, the levers of their machinery

\* *Hostages to India*, by H. A. STARK.

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for government. Through our agency revenue and settlement operations, land-surveys and road-making became possible. But for us the telegraph and postal systems, river navigation and railway construction would not have been feasible. We were the first missionaries of the Christian religion, the earliest teachers in Indian schools, the pioneers of Western arts, industries, and sciences. In truth, we took a leading part in every project that tended to advance the moral, material, and intellectual prosperity of the land—our land—and its peoples.

And yet we are of those who have come out of great tribulation. We have trod the thorny path of repression. We have struggled through wrongs sufficient to crush out of existence most races. That we to-day retain the essential traits, instincts and culture of our forefathers is remarkable testimony to the virility of the British nation. If England is the land of our fathers, India is the land of our mothers. If to us England is a hallowed memory, India is a living verity. If England is the land of our pilgrimage, India is the land of our homes. If England is dear as a land of inspiring traditions, India is loved for all that she means to us in our daily life. Although perhaps we seldom realise it, we have relations in India as well as in England. Only we have lost sight of both. If we lean so heavily to our fathers' side, it is because the creeds and customs of our mothers' people so ordained it. Themselves the victims of a tyrannical caste system and religious orthodoxy, as they have in the present, so they had in the past, no option but to repudiate our consanguinity. On the other hand, the British have always claimed us as kinsfolk. We have our immediate interests vested in India, and we naturally identify ourselves with the social, economic, and political development and aspirations of our mother-country. We would live amicably and on terms of mutual trust and respect with our Indian fellow-countrymen, and we would have them reciprocate our senti-

ments. Sir Campbell Rhodes recently reminded the Indian Legislative Assembly that its Indian and European Members are the joint trustees of Anglo-Indians inasmuch as these are the blood-relatives of both Europeans and Indians. In truth we are England's Hostages to India, and they who give and they who receive hostages are bound to regard them as a trust. If Indians only realised this, our economic and political position would not seem to us so desperate as it now appears. If the 350 million Indians acknowledged us, a macroscopic minority of 150,000 souls, as a trust held by them as well as by the British, we would not dread, as we now do, the gift of a large instalment of Responsible Government to India. But so long as Indians identify us with the British, the question for every Briton to ask himself is—"WHEN FULL MEASURE OF SELF-GOVERNMENT IS GIVEN TO INDIA, WHAT WILL BE THE FATE OF OUR DESCENDANTS AND KINSMEN IN THAT LAND?" In the circumstance we must look to the British Parliament to safeguard our interests—our religion, our education, our admission into the public services. If India is to have Dominion Status, England must demand, and India must guarantee, that we are effectively protected as Citizens of India. We do not seek preferential treatment. We aspire to equal partnership, and for this reason we must not be called upon to sacrifice anything which our Indian fellow-countrymen retain. We cannot give up our Christian Faith, our British ideals, our Western culture. Ask the devout Hindu to exchange his ancestral caste for secular advantage. Ask the pious Musalman to abandon his holy creed for temporal gain. Ask us to sell our British heritage for a mess of political pottage. In every case the answer is instant and clear. Ours speaks in the heart of each of us. It throbs in the blood that mingles with our breath. It leaps to our lips in the soul-stirring appeal—

"O ENGLAND! WHO ARE THESE IF  
NOT THY SONS?"

16,111. Do you desire to make any statement at this stage, or to amplify the Memorandum?—My Lord Chairman, with your kind permission, I would

rather make a short statement after I have given my evidence, if you will grant me just ten minutes before we rise to-day. [See Appendix D.]

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[Continued.]

*Chairman.*] If you please. Sir Henry Gidney, having had the advantage of hearing your views, and also, to some extent, of knowing your mind on these important matters as the result of hearing you examine witnesses, and finding the Memorandum, as I do, in itself a very clear statement of your views, I have no questions to put to you at this stage. With the Committee's approval I would ask Lord Lothian to open the examination of this witness, as, in his capacity as Chairman of the Franchise Committee, I know he has one or two matters which he would like to put to the witness, and I think if those were put first it might assist the Committee as a whole

Marquess of Lothian.

16,112. Sir Henry, may I, first of all, refresh my memory and possibly get some information from you for the benefit of the Committee? My recollection is that the Anglo-Indian community exercises its vote by post. Is that correct?—No, Lord Lothian. Today the representatives of the Anglo-Indian community, except in Bengal and Madras, where it has two seats and one seat respectively, are nominated members. In Bengal it is by election in the ordinary way, and in Madras it is by post.

16,113. In Madras it is by post?—Yes.

16,114. Have you formed any estimate of what proportion of your community will get on the electoral roll under the Franchise proposal for the Provinces?—It all depends on what the qualifications will be.

16,115. I am thinking of the qualifications as set forth in the White Paper?—If property or taxation or education are alternative qualifications, then a large number, indeed, all of them, will be on the electoral roll.

16,116. What proportion of your community, for instance, attains the upper primary standard?—Almost every one.

16,117. Therefore, if that is retained, it will secure the enfranchisement of a great majority of your community?—If that is in itself a qualification.

16,118. When I was in India we heard a good deal of evidence on the question which you raise here of the definition of the term "Anglo-Indian". I see that in the All-India statistics for 1931 the number of your community is given as 98,000. We were told on the Franchise Committee repeatedly in India that a

large number of persons who were really Anglo-Indians registered themselves as Europeans?—That is so.

16,119. And that there was a considerable number of people lost to your community for that reason?—A large number.

16,120. You have no idea of what sort of number?—I should put it, with a fair degree of accuracy, as 30,000.

Marquess of Reading.

16,121. 30,000 in addition to the 90,000?—Yes. I think that 90,000 only relates to British India.

Marquess of Lothian.

16,122. That is correct. We were also told by one or two witnesses that one of the great difficulties of your community was that you lost so much natural leadership for that reason?—Yes.

16,123. And that your community was in a sense in this very difficult position, that it was neither wholly Indian nor wholly European, yet many of its leaders were always passing out of the Anglo-Indian community into the European community?—Lord Reading when he was kind enough once to give me an interview during his Viceroyalty, said to me, in very true words, that if more members of my community who had succeeded in life had joined me we would be a very powerful community. That was some years ago, Lord Reading.

16,124. You propose an alteration of the definition of "European" and "Anglo-Indian"?—Yes.

16,125. You propose that the definition of "European" should be "every person of pure European descent on both sides and who is not a statutory native of India"?—Yes.

16,126. I suppose you want to have the words commonly used "being a British subject and resident in India"?—For a temporary purpose.

Sir Hari Singh Gour.

16,127. Resident or domiciled?—No.

Marquess of Lothian.

16,128. You want, in other words, "European" to be confined to people who are of European descent and British subjects on both sides?—Yes.

16,129. And that everybody else should be classed as Anglo-Indians?—No, I go

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[Continued.]

further. The Indian Councils Act of 1870, 33 Victoria, chapter 3, calls everybody in India, even though of pure European descent on both sides, natives of India by Statute. At present the destructive practice of dividing the Anglo-Indian community into the domiciled European and the Anglo-Indian has done neither community any good. They are both for occupational purposes called natives of India by Statute vide the Indian Councils Act, and you cannot differentiate between the economic classification of a community so intermixed and its political definition, because the political status of that community controls its economic needs, at least to my mind. Therefore, representing, as I do, the Anglo-Indian and domiciled European (and that is to me a very indefinite term "domiciled European") it is our desire that those who come within this Councils Act should come within the definition "Anglo-Indian".

16,130. Turning to your definition of "Anglo-Indian" you say "Every person whose father, grandfather, or other progenitor in the male line was a European, and who is a statutory native of India." Could you tell me why you confine it to the male line?—A child takes the nationality of his father, at least I believe the international law of legitimate marriage is that the child takes the nationality of his father. That is the only reason. I may be wrong.

Mr M. R. Jayaker.

16,131. Do you want to take the nationality of an Englishman?—I say I take it according to law.

16,132. According to law you want that your community should take the nationality of the European?—I have not said that at all. I was asked a question as to why I confine it to the male. I only demand what the law says. I do not say that that is my desire at all and entitles me to.

Marquess of Lothian.

16,133. In any event you are citizens of India?—Yes, we are.

16,134. This is the definition by which a citizen of India is grouped in one community or another in India?—Yes.

16,135. And the broad basis of the Anglo-Indian community is that there is mixed blood?—Yes.

16,136. Why do you confine the Anglo-Indian only to people of mixed parentage who are in the male line, and not also

in the female line?—I have only taken it from the legal definition of the two communities.

Marquess of Salisbury.

16,137. I only wanted to know the importance of the question. The question I was going to put is. Does it make a great deal of difference in the numbers even if you include the other category?—It would add to our numbers because there are a large number of English ladies marrying Indian gentlemen to-day.

Marquess of Reading.

16,138. What is the term that is applied to the offspring of an Indian and a European, that is to say, an Indian father and a European mother? What is the term?—Lord Reading, I could not tell you what term is applied, but I do know what the result is.

16,139. I have given you that already?—What I really mean is this, that the children of that marriage if the father is Hindu generally take the religion of the Brahmo Somaj, or, in the Muhammadan case, according to Muslim marriage, the child takes the father's religion.

16,140. I am not asking about religion. I am trying to find out what your view is. I know there has been a good deal of discussion about it. What term is applied? An Anglo-Indian is, as you tell us quite properly, a person whose father is a European and whose mother is an Indian. What we do not know, and what we want to know from you, is what is the term applied; never mind the law. I know there is no statute on the subject. What term is applied in India?—No term at all.

16,141. Generally speaking, I have always heard them referred to as Anglo-Indians?—I assure you it is not so, although myself I would welcome it.

16,142. What is the term?—They do not take any term.

16,143. It is not Indian?—Yes, generally they take the father's nationality.

Marquess of Salisbury.

16,144. They call themselves Indians?—Yes.

Sir Hari Singh Gour.

16,145. And do not they object to being called Anglo-Indians?—That I do not know. I have never asked them. I do believe that Sir Hari Singh Gour was right when he said that they do not want to be called Anglo-Indians.

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[Continued.]

Sir Hari Singh Gour.] That is a fact.  
Earl Winterton.] We had a witness before the Committee who was of that birth, Mr. Waris Ameer Ali, and he always described himself as an Indian.

Marquess of Lothian.

16,145a. On the question of franchise you propose that the four seats which have been allotted to the Anglo-Indian community in the Lower Federal Chamber should not be confined to the four Provinces of Bombay, Madras, Bengal and the United Provinces as proposed in the White Paper. Could you explain a little more why you want that?—Lord Lothian, the four Provinces to which are allotted these four seats do not represent the Anglo-Indian community in its entirety. There is a very large area of India which will be disenfranchised if you confine your four seats to these four Provinces. It is my desire, and the desire of the Association, to encourage a political education and a political conscience in the whole community and, by allotting your four seats to four Provinces, you absolutely prevent any political education in the other Provinces, where a large proportion of the Anglo-Indians reside.

16,146. How would you propose that they should vote because the constituency would obviously be gigantic?—I would suggest what I have done in paragraph Q. "Constitution" of my Memorandum, that to Bengal should be added the Provinces of Assam, Bihar and Orissa—one seat in the Federal Chamber.

16,147. That was not my question. I said how would you propose that they should actually vote?—It is suggested in the White Paper that the post should be used as a method of voting. I myself think that the postal system is pregnant with a lot of danger, especially for malpractices, but I think that the postal system would be the only means by which you could get a truly representative vote of the community, for this reason, that if the election were confined to one day, 50 per cent. of the community would be on the railway lines, telegraphs and other Departments, and would not be able to vote. If it were done by post these people would have their chance of submitting their vote for a member.

16,148. In your experience how does the postal system work in Madras?—I have no personal experience of it, but I have heard varying reports about it,

some to the good and some to the bad; but I would ask, if the postal system were accepted, to see that all such malpractices were guarded against.

16,149. What sort of malpractices have you got in mind, Sir Henry?—I think there will be charges made in the postal system in that the letters have been delayed intentionally. The postman has been tapped and the letters have been delayed until the election was over, and no votes were sent. I do not say that that was so, but I believe so.

16,150. Have you any proposals as to how the Federal seats reserved to the Anglo-Indian Community in the Provinces should be distributed? There are three Provinces in which there are more than one, I think?—My idea is that it should be divided roughly into rural and urban constituencies. For instance, take Bengal, where the largest number of seats has been allocated, that is four. The capital town of Bengal, Calcutta, might be given two seats, and the rural area of Bengal might be given two.

Mr. Zafrrulla Khan.

16,151. Do you consider the whole of Bengal outside Calcutta as rural?—No.

Sir Hari Singh Gour.

16,152. Non-metropolitan area?—Exactly those are the words. What I meant was that in Calcutta itself there was a big collection of the community all together, like the Parsees are in Bombay, and in the outside places they are found in the railway centres, around the stations. They are smaller stations in comparison and I use the words "rural" and "urban" in a comparative sense.

Mr. R. A. Butler.

16,153. One of those seats would be a woman's seat. How would that fit in with your plan,—I think that could be arranged quite conveniently.

16,154. In the urban area?—Yes, in the urban area, I think, but I do not know that I should insist on that. One of any of these four seats could be reserved for a woman. I am not particular whether you confine it to the rural area or the urban area.

Mr. M. R. Jayaker.

16,155. What electorate would you suggest for filling in a woman's seat?—The whole constituency.

16,156. Both men and women?—Yes.



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[Continued.]

*Marquess of Lothian.*

16,157. And one of the four reserved for a woman?—Yes

16,158. Can you tell the Committee the geographical distribution of your community? As I understand it, it is partly in one or two large cities like Calcutta and Bombay, and for the rest it is distributed widely over India, on the railways, the telegraphs, and so on. Is that correct?—The geographical distribution of the community is peculiar. The community has a peculiar setting over India which is not to be found in any other community. It is scattered in little places from one or twenty to 100 or 200, up to 10,000. That is the peculiarity of it. It can claim no Province as its own; and when you hear the cry: "Bengal for the Bengalis," or "Bihar for the Biharis," you cannot say: "Anglo-India for the Anglo-Indians," because the community can claim no Province of its own. The largest number of the community is to be found in Madras Presidency, the second largest in Bengal; then, in order of numbers, Bombay, then the United Provinces, then the Punjab.

*Sir Hari Singh Gour.*

16,159. Why not raise a cry: "India for Anglo-Indians"?—Yes; I will take suggestion.

*Marquess of Lothian*

16,160. What are the occupations in which your community are engaged apart from federal employments, like posts, railways and telegraphs and so on?—At one time they held many appointments in the Provincial Government; at one time nearly 96 per cent. of the officers in Bengal were occupied by Anglo-Indians. To-day there are not five per cent.—indeed, not three per cent. The result is that they have very few employments outside the Federal services.

16,161. They are mainly in Official employment?—I would say almost entirely.

*Earl Peel.*

16,162. I wanted to ask only one question, arising out of Provincial Services under (e) in the Summary at the end of your Memorandum: "In view of the almost entire exclusion of the Community from the Provincial Government Services, as will be amply proved by reference to official records, we demand that in future recruitment," etc.—what do you mean by that; can you amplify that? Has

there been in any sense a deliberate attempt to exclude the community from the Provincial Government Services? Have qualified men applied and been refused; can you tell us what has happened?—There have been many factors operating steadily and insidiously, operating in a manner which often one could only observe or detect if he noticed the day to day administration of a Department in any Provincial Government. I would cite the Provincial Secretariat or the Provincial Civil Service or the Provincial Judiciary as instances. It has been, first of all, the introduction of a high standard of education, secondly, it has been the introduction of a graduate education; and, thirdly, it has been the introduction of a competitive system of entrance into these Services. The Anglo-Indian Community has found itself outnumbered, outclassed, and for very many reasons not prepared, from an educational point of view. Moreover, there are other forces that operate which everyone who is familiar with Indian administration will support: appointments that are superintended by a certain community are not advertised, and these appointments are generally given to the relations of those communities. The Anglo-Indian, not being there, does not have the ghost of a chance. The result is that in the Postal Department, where we once formed a large percentage, we only form 0.5 per cent. to-day.

16,163. The Postal Department is a Central Service, is it not?—Yes; it is in a Province. I am talking only of one Province. If you take the Secretariat at Bengal you will find that among old people who have been in India years ago, the proportion of Anglo-Indians, which could be counted in three figures, is to-day, I think, only seven in the whole of the Bengal Provincial Secretariat. Similarly, I think Sir Reginald Craddock, who was in the Central Provinces at one time, would bear me out when I say there was a large number of Anglo-Indians in the Central Provinces Secretariat. To-day you can count them on your finger tips. In Bombay it is the same. This is the way in which the Anglo-Indian has been gradually, slowly but surely, replaced.

*Lord Eustace Percy.*

16,164. May I intervene with a question. Do you mean that these appointments in the Secretariats are patronage appointments and are not approached by competitive examination?—I think that



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has been the universal condemnation of the subordinate services of Government of to-day, that they have been more in the hands of the superintendents of the Departments. To-day they have insisted on selection committees.

*Mr. Zafrulla Khan.*

16,165 Is that the answer to Lord Eustace Percy's question? I think the question was: Are these appointments in the Secretariat patronage appointments or are they the result of a competitive system, or educational standards, or what?—I beg your pardon, Lord Percy. I did not quite understand your question. Recently these appointments have been made open to competitive examination.

*Mr. A. H. Ghuznavi.*

16,166. Since when?—Quite recently. Certain Provincial Governments have demanded that a certain percentage of the Committee should be represented.

*Lord Eustace Percy.*

16,167. That is another point?—I am sorry.

16,168. The answer to Lord Peel I thought was that, in addition to your disadvantages in competitive examination, there was a large number of services to which appointments were made by personal selection and patronage?—Yes.

16,169. And that the Anglo-Indians were left out, and you gave us an instance of that—the Secretariat?—Yes.

16,170. That is what surprised me?—Might I amplify my answer to your question? I am talking of the process that has for years till quite recently been the means of eliminating the Anglo-Indian. To-day (and I am talking of quite recently), many years after the Montagu-Chelmsford Reforms began to operate, competitive examinations are being used in certain Departments, but not in all, not in all Government Secretariat Departments.

*Earl Peel.*

16,171. You gave us as one of the reasons for the disability of your community the fact that higher standards were being introduced into the examinations?—Yes.

16,172. I understand that your community is of a high average intelligence and education?—Lord Peel, possibly that statement cannot be reconciled with what you are thinking, but may I try to explain? When I say that the community

is a hundred per cent. educated, if I may use that term, I mean by that to a certain standard of literacy required for electoral purposes. But when I come to the higher standards to-day you will be surprised to know that the driver of a railway engine is required to be a graduate; you have to matriculate to be a ticket collector; you have to matriculate to send telegraph messages. Now when these processes of competition were introduced they left the Anglo-Indian standing because his education is too expensive, his numbers are small, and his education has not been up to this standard.

*Sir Joseph Nall.*

16,173. Just to be clear on that, do I understand that matriculation is a necessary qualification for a ticket collector?—Yes.

16,174. And the recruitment of engine drivers must be from graduates?—Not necessarily. They say that a graduate is preferred.

*Mr. M. R. Jayaker.*

16,175. Can Sir Henry point out any departmental rule which requires that a graduate alone shall be selected or preferred for an Indian railway driver's post or a matriculate preferred for a ticket collector's post?—Yes; there is a Railway Board Instruction.

*Earl Winterton.*

16,176. Could you clear this up a little, Sir Henry? Your reply has been received with some astonishment by me. I have no doubt it is accurate. Do you not mean a man who has taken some form of degree in engineering? You do not mean a literary graduate, but a man who has had a course in engineering?—To be an engine driver you must not have an engineering qualification. There may be some confusion in this, but I may tell you this frankly, because I am very familiar with the rules pertaining to competition on the railways. A man has to be a matriculate to get into the Traffic Department.

*Earl Peel.*

16,177. Sir Henry, just passing from these excessively high standards, may I ask you this. We were discussing the Provincial Services and the Provincial Secretariats and so on. Then I think some of your answers rather went off to the Central Services. I was going to ask you about the Central Services where

10<sup>th</sup> November, 1933.]Lieut.-Colonel Sir HENRY GIDNEY,  
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your community is largely represented. These disabilities to which you have been alluding in the Provincial Services and the Secretariats do not apply, do they, so much to the Central Services, because there your community holds a large number of posts? You have not suffered there so much as in the Provincial Secretariats and so on and some of these subordinate Services in the Provinces?—That is so in a comparative sense; but may I amplify that by saying that at least 50 per cent. of those employees are to-day between the ages of forty and fifty-five, for they were recruited in these Services years ago; and so a large number of them are approaching the period of superannuation.

Marquess of Salisbury.

16,178. So that you anticipate that in a short time the proportion will be very much smaller?—Very much, because recruitment is so small to-day.

Lord Hardinge of Penshurst.

16,179. I propose to ask quite a different category of questions. In your Memorandum, Sir Henry, in paragraph 3, under "Railways," you state that your community has been deprived of over a thousand appointments within two or three years; that is to say, 7 per cent. of your community employed on the railways. Are these figures official?—They are official, Lord Hardinge.

16,180. You have also referred to railway strikes in which your community played a great part. To which railway strikes do you refer?—Two or three railway strikes during the past five years on the Bengal Nagpur Railway; to two strikes on the East India Railway, one when His Royal Highness the Prince of Wales was in India, and our schoolboys and schoolgirls came and cleared the railway stations and cleaned the carriages; to two strikes on the North-West Railway: those are the strikes that come to my memory within the past decade.

Mr. Zafrulla Khan.

16,181. The last and the worst of the two strikes on the North-West Railway was organised by an Anglo-Indian, Mr. Miller?—Mr. Miller was a member of the Indian Railway Union; he was never recognised as a member of the Anglo-Indian Association.

16,182. Was he or was he not an Anglo-Indian?—No; he was an European.

16,183. Then it was organised by a European and was put an end to with the help of Anglo-Indians?—Forgive me, I must clear that statement if it is a stigma upon the community. Mr. Miller was a European and, I believe, an ex-soldier. Mr. Miller helped the Indian Union of which he was Secretary to come through a tremendous strike. Mr. Miller was then, I believe, prosecuted. I believe he was finally dismissed, and I think he was re-engaged afterwards. Mr. Miller was not a member of the Anglo-Indian community and he was not in any way touched by the Anglo-Indians, because we have never been at variance with our Indian employees.

Sir Hari Singh Gour.

16,184. Was he not what we call a domiciled European?—No, he was a European.

Mr. N. M. Joshi.

16,185. Was there no strike of the Anglo-Indians at all?—Not so far as I remember.

16,186. I mean before the Indians formed their trade unions and when there were strikes?—I do not know of any strikes. There was I believe a strike long ago when everyone struck; even the Commander-in-Chief struck; that was when everyone joined.

Lord Hardinge of Penshurst.

16,187. Is it a fact that in the troubles in 1919 men of your community had to be drafted on to the railways?—I believe, Lord Hardinge, that in 1919 it was in the Telegraphs, when Sir Michael O'Dwyer was Lieutenant-Governor, that he asked for Anglo-Indian employees; but I think he said that in his evidence.

16,188. I understand that your community has recently lost appointments in the Telegraphs, Customs, Police and Indian Medical Department. Would you say that this is in any way due to the satisfaction of the political demands of more powerful communities or on the grounds of political expediency?—I would say it is due to the satisfaction of political expediency, the outcome of a demand by other communities. I do not say that the communities have the right—it would be far from my mind to say that—but there is no doubt that the Government each year weakens my interpretation of the strength in the protection of the community that has served it in response to demands from the larger

10<sup>o</sup> Novêmbreis, 1933.]Lieut.-Colonel Sir HENRY GIDNEY,  
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communities, and rather than face the refusal of a demand for a grant in the Budget there has always been a compromise arrived at between the Government and the Member who has presented the demand. It has been a means to an end, and it has been a means to an end that I should resort to probably.

16,189. I understand that during the late War your community rendered conspicuous services, amongst whom, as you state, were Lieutenant Robinson and Lieutenant Warneford, who both brought down German Zeppelins and earned the V.C. Have you any idea what percentage of your small community fought in the Great War in its various centres?—The community can, with great pride, claim that it supplied 80 per cent. of its manhood during the past Great War, excluding that large number of noble Anglo-Indian women who were freely enlisted in the hospitals as nurses and excluding that still larger number of Anglo-Indian ladies and girls who, under the directions of the wives of the various Governors, helped to make comforts for the troops. 80 per cent. of our manhood were employed in all theatres of the War. Those who were not at the Front were engaged in the Indian Defence Force, which was a compulsory force during the War. When this force was formed it was necessary for the Army authorities to have elimination parades, so great was the enthusiasm to join this force to help the country. Indeed most of our public schools in India to-day are second to none, either to Eton or Harrow, in the number of tablets and memorials which are erected there in memory of the brave dead, young men from those schools who died in every theatre of the Great War.

16,190. In the Montagu-Chelmsford Report, the Report of the Statutory Commission, in the Government of India Despatch of September, 1930, as well as in the Recommendation unanimously passed by the Services Sub-Committee of the Round Table Conference, the necessity for special consideration of the interests of your community has been repeatedly emphasised. In what way are you of opinion that such steps should be taken?—That, of course, Lord Hardinge, would be the business of the Joint Select Committee, but from these various acceptances that were given by the Services Sub-Committee there is no doubt that some clearcut scheme must be evolved by

which the community will be saved in the various Services. Unless some such scheme is evolved and executive power is given to the Governors and the Governor-General that it be carried out, the next twenty years will see the extinction of the Anglo-Indian community in most Services.

16,191. In the event of your not securing adequate economic protection, what would be the effect in the future on your community in India?—They will sink to a worse position than the Depressed Classes. They will be a community which have been brought up from their birth with British ideals and British culture. They will be in a land where they will not have any moneyed jobs, and they must in comparison be worse off than a community that has been brought up under different standards. That is why I say they will sink to a worse position than the Depressed Classes unless statutorily protected.

Mr. M. R. Jayaker.

16,192. Is it not a fact, Sir Henry, that according to the recommendation of the Round Table Conference your community had the benefit of a very generous and exceptional scheme of education?—Yes. I offer my deep thanks and gratitude for that scheme of education, in which Mr. Jayaker played such a leading, generous and great part, and in and out I have always said it was Mr. Jayaker who is the best friend to my community; but it is no use giving any community any concession of education when you deprive the parents of employment, because the education of a child is entirely dependent upon the economic protection of the parents.

Lord Hardinge of Penshurst.] I should like just to express my own views to a certain extent upon this very important question.

Earl Winterton.

16,193. But before my noble friend does that, will he allow me to ask a question arising out of the Witness's last answer. Sir Henry, would you not agree generally that the question of providing employment for the educated Anglo-Indian, or rather the difficulty of providing employment for educated Anglo-Indians, is a universal difficulty which is being found in all countries to-day, and especially in countries like India—finding employment, owing to world conditions, for educated people?—That may apply to-day, Lord Winterton—to the immediate day—but it does not apply to that slow

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and sure process of elimination which from a cumulative point of view has been the *raison d'être* of our present bad position in the Services.

16,194. What you mean by that is that up to now the Anglo-Indian community has largely relied for its employment upon State employment, and that that State employment is no longer open to them; but it means, though, that quite a large number of Anglo-Indians in the past have worked in industrial employment, and that employment is not open to them to the extent that it was owing to the generally bad economic conditions. Is that not so?—I do not think so.

Lord Hardinge of Penshurst.

16,195. I should like to ask Sir Henry whether he agrees with this: The Anglo-Indian and domiciled community in India is a small community in numbers but it has a fine record and has been a source of strength in the past. Now it is being slowly but surely sacrificed on the altar of political expediency, and unless special measures are taken for the protection of their economic future they must necessarily disappear; but it is to be hoped that Parliament will not repeat the error made in Ireland in regard to the Irish Loyalists in the South. What is needed is that their representation in the various Government Departments, both Central and Provincial, should be guaranteed to them for a certain number of years, and in view of their great services to India in the past this does not appear to be an exaggerated demand. It should, if possible, be part of the Constitution of India. I wish to know whether Sir Henry agrees with that statement?—Entirely.

Marquess of Reading.] I do not quite understand, if Lord Hardinge will forgive me, the last part of the question. Did you say, "It should be part of the Constitution of India"?

Lord Hardinge of Penshurst.] I should say it should if possible be part of the Constitution of India—the reservation of a certain number of posts.

Earl Peel.] Do you mean a percentage?

Lord Hardinge of Penshurst.] Yes.

Earl Peel.] A percentage of posts in these different Central Services should be retained for a certain number of years as open to members of that community.

Lord Hardinge of Penshurst.] I agree.

Mr. Butler.

16,196. May I supplement one or two figures on this matter put by Lord Win-

terton in his question to Sir Henry Gidney. Taking the third paragraph, which was raised by Lord Hardinge, reference was made to the figures. I only want to ask one or two questions with reference to the figures in your Memorandum, Sir Henry. We have worked out these figures, and we find that the proportion in the third line of that paragraph should be 7 per cent. and not 14 per cent.?—Yes, quite right; that is a clerical error.

Lord Hardinge of Penshurst.] That is what I said.

Mr. Butler.

16,197. I was leading up to another question, Lord Hardinge. Would you agree that in the same period the Hindus lost approximately 53,900 posts, or 10.6 per cent., and the Muslims lost 24,300 posts, or approximately 13.6 per cent.—in the same period to which you refer?—I have the figures here. During the period of 1919, 1930, 1931 and 1932, the Hindus—I do not like making a comparison of communities, but even if I say the Hindus had 550,000 in 1929-30, and they had 491,000 in 1931-32. It does not come up to the percentage Mr. Butler has given.

16,198. I think it approximates to my figures. I know we had great difficulty over the accuracy of the figures, and I fully sympathise with your difficulty as well as ours. These are the official figures as far as we can make out, and I was only putting a question upon what Lord Winterton said, that owing to the economic depression there have been retrenchments all round and that your community has not been the only one to suffer?—I have never said that in the recent retrenchment in economy; that has been a compulsory activity. But what I have said is that the few appointments that the Anglo-Indian community holds—that is 13,000 or 14,000 as compared with half a million—it has suffered 7 per cent. of a loss, and those appointments are appointments generally of people who cannot live in the same way as a percentage of the Hindus live who have been unemployed and who go back to the fields and work as cultivators.

Earl Winterton.

16,199. I really think we must clear up this point. Surely the only point at issue is whether the percentage loss is greater in the case of one community than in others. Cannot you answer that question? It is really the question Mr.

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Butler has put to you?—I will take down and work out the percentage. In 1929-30 does Mr. Butler's figure agree with mine—550,000?

Mr. Butler.

16,200. I am working out the actual loss, which amounted in the case of the Hindus to 58,500 and in the case of the Muslims to 24,300?—Yes.

Mr. Butler.] The percentages in each case being 10.6 and 13.6, which I think bears out the question that Lord Winter-ton put to you—that there has been a general loss of posts in all the Services.

Marquess of Reading.

16,201. The point has been made. The exact percentages and figures do not matter so long as we get them approximately?—Although these figures might be quoted to detract from the percentages I have given, there is a very important aspect which the Committee must bear in mind. This reduction in the Hindus and Muslims which has been the result of retrenchment and economy has mainly arisen out of the stoppage of all construction on the railways, and refers mainly to menial labour. The menial labourer gets from 10 to 15 rupees a month.

Mr. Zafrulla Khan.

16,202. The menial labourer is never shown on the staff of any railway. He is employed by the contractor as and when the contractor may require him for the purpose of carrying out his contract. Even the contractor is never shown on the staff of the railway. It is no use making allegations which can be controverted immediately?—May I reply to Mr. Zafrulla Khan and say that the total employees of every railway include its permanent railway staff, including the permanent way staff, which are mainly Coolie gangs.

16,203. But that is nothing to do with the construction and menial labour?—That is the construction labour.

16,204. Certainly not; that is the maintenance labour?—I beg your pardon; I mean the maintenance labour.

Lord Eustace Percy.

16,205. In any case, Sir Henry, you would agree that on those figures the safeguard that you want to propose in the Constitution would not have prevented these reductions, because your percentage remains?—No.

Marquess of Reading.

16,206. I understand Sir Henry does not agree with that?—No, I do not agree with it.

Lord Eustace Percy.

16,207. Well, I do not understand. He has proposed that there should be inserted in the Constitution a guarantee of a certain percentage for Anglo-Indians?—Yes.

16,208. As a matter of fact, on these figures the Anglo-Indian percentage in the Services so far from having decreased has slightly increased?—Yes.

16,209. Therefore whatever may be the special hardship entailed on the Anglo-Indian community by these reductions, which I quite appreciate, the safeguard proposed by Lord Hardinge would have been no safeguard against those losses?—My reply to Lord Eustace Percy is this: The present slight increase, as Lord Eustace Percy says, can easily be accounted for by the fact, that during the last ten years railways have increased enormously in route mileage. The total population employed on railways has increased, and *pari passu* with that all communities employed have increased in number, but what I want to impress upon the Committee is this, that 50 per cent. of the Anglo-Indian employees to-day are those who were employed before the reforms started, and they will be superannuated within the next few years, and no recruitment has been taking place of late years.

Earl Peel.

16,210. Sir Henry, might I ask you this general question? As regards retrenchments which, unfortunately, have taken place, as we know, for economic reasons, do you suggest that there has been an unfair proportionate reduction in the numbers of the Anglo-Indian community through those retrenchments?—Yes.

Mr. Butler.

16,211. Sir Henry, would it not be fair to you to say that your losses have been chiefly in the higher grades and that that is your difficulty?—Yes, that is true.

16,212. Referring to your last paragraph, when you refer to the total of 800,000 railway appointments and quote the numbers that the Anglo-Indians have secured of those appointments, in reality you are not interested in the whole number of those appointments but only in approximately 175,000 of them; that

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is, those whose rates of pay suit the members of your community?—That is true.

16,213. I think that clears up that point?—The figures bear out what you say, Mr. Butler.

Earl Winterton.

16,214. May I refer to your Memorandum under the heading of "N—Customs," where you make reference to the valuable services that your community rendered in the Preventive Branch Service and where you refer to the reduction that has taken place in the numbers of your community. I gather that your argument is that the numbers of your community in this Service in the past has been a very valuable thing for India. Has there been within your knowledge as a Member of the Assembly an increase in recent years of the smuggling of such things as arms in India?—I believe the newspapers of Calcutta are very agitated as to the increase of terrorism and as to how arms and ammunition have come into India. There are two sources; one is in the North-West Frontier and the other is in the sea ports. I believe that cases of arms and ammunition at the sea ports have been traced.

16,215. Under the heading of "O—Army" in your Memorandum you refer to the Army, and you show that a proposal which was put forward and apparently accepted in high quarters for an Anglo-Indian Unit was not carried out owing to retrenchment. Can you suggest any other means by which Anglo-Indians could be employed in the Army in a unit, of course making full allowance for their higher standard of living than would be the case with Indians? I am referring to the rank and file?—To-day the Anglo-Indian so far as the defence of India is concerned has no position whatever except as a member of the Auxiliary Force. He cannot enter the Indian Army for the practical reason that he cannot live on the pay of a Sepoy, and the official reason given is that being a caste army only he cannot upset the caste homogeneity of that army; he is denied admission into the British Army because of his nationality. The result is that he can enter into the rank and file of neither unless on the one hand he denies his birthright and says he is a European—and there are many thousands of them to-day in the British

Army—or he enters the Indian Army willing to accept the small pay that a Sepoy gets. Now it is necessary that the Anglo-Indian should be given a place in the defence of India, and the only way it can be given is in these specialised units such as the Signal Corps, the Coastal Defence, the Army Service Corps, the Transport Corps, and in such Corps which allow a little larger salaries. Realising this, the Secretary of State sanctioned the formation of a Signal Corps for the Anglo-Indian community. It was being gazetted in India, when suddenly the retrenchment committee on the Army in India recommended that it should be abolished and one of the little openings that were offered to the community was again closed to it, and to-day the Anglo-Indian community has no position in the Defence of India, except, as I say, as a member of the auxiliary force, the second line of defence.

16,216. That was not my question. You deal very fully in your Memorandum with what you have just told us. Can you suggest any means by which what one may call the legitimate demands of your community in this respect could be satisfied by the formation of small units? Would your suggestion be to revert to the proposal that was turned down?—I would refer Lord Winterton to certain suggestions which I submitted to the Indian Military Retrenchment Committee which offer a very large field for the employment of Anglo-Indians: (1) There is a corps called the R.A.M.C., which consists of British soldiers trained as nurses. There is a large body of Anglo-Indian lads and Domiciled Europeans who would make excellent nurses; (2) There is a large corps of nurses called the Queen Alexandra's Nursing Service. I have the greatest admiration for that service, but that service goes to India on a pay even larger than that of an assistant engineer. There is a large body of Anglo-Indians and Domiciled European women who can be employed as nurses. They can be given some position in the Defence of India and be satisfied.

16,217. If I may put this question: You would therefore be grateful if some of us in the House of Commons, on the Army Estimates, raised the question and put before the authorities the possibility of carrying out some of the proposals which you make for the substitution of



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Anglo-Indian rank-and-file for British rank-and-file?—Yes.

16,218. Would not it be better to do it that way than to put it in the Constitution Act?—I am not suggesting that that should be put in the Constitution Act; I am suggesting that in the Defences of India the Anglo-Indian Community should be given some opportunities, and I press this claim to the same extent as the Depressed Classes have pressed their claim. At present they are excluded from the Army.

16,219. I understand that you take exception to the present Jury Law in India. As you are aware, it was the result of a compromise between Europeans and Indians in the Racial Distinctions Committee of 1923-24?—Yes.

16,220. Could you tell us, quite shortly, what is the objection that your community takes to that arrangement?—I was a Member of that Committee.

16,221. I know?—And I am familiar with its findings. I take no objection to it, except that I say that if you are going to give jury rights to two different nationals, that is to say, the Indian and the European, you should demand that they fulfil the same conditions. The Indian is not called upon to prove his legitimacy or his origin; with regard to the European the law says he must but he seldom does; and it is only from the Anglo-Indian that you insist on him proving his legitimacy and his paternal origin. Then you turn round and say the European can take a European majority jury; the Indian can take an Indian majority jury. There is a difference created at once, but that was a compromise. What I am asking so as not to raise any racial issue is let the accused, be he either European, Indian or Anglo-Indian, have the right of selecting whatever majority he wants: either European or Indian or Anglo-Indian. It is not an objection. It is a suggestion to bring everyone on an equality so far as Jury Law is concerned. I look on it as a relic of barbarism. Is a man to be denied the right to select a majority jury because his grandfather when he went out to India did not take his baptismal certificate but took his matchlock?

Mr. Zafrulla Khan.

16,222. Can you point to any provision of the Criminal Procedure Code which makes that distinction which you have put forward?—I am not a lawyer, nor

would I like to cross swords with you on a law point.

16,223. I am not crossing swords with you. Is it your impression that the Criminal Procedure Code makes that distinction?—The Criminal Procedure Code does not, to my knowledge, demand from any Indian the proof of legitimacy.

16,224. The difference you have made between the European accused and the Anglo-Indian accused is that from one proof of legitimacy is demanded and from the other it is not. Is there anything in law that makes that distinction?—I have not said that.

16,225. If that is not in the Code what can the Joint Select Committee do about it?—I have not said that. I have said when a European accused comes into the box (I am not talking with any disparagement at all) the Judge looks at him; he sees that he is a European from his complexion. His Counsel demands a European jury. It is seldom that he is asked: "Prove your legitimacy." Indeed, if he were asked he would not have a baptismal certificate probably. But he is accepted as a European. When an Anglo-Indian with any little colour in him stands in the witness box what is demanded from him is proof of his legitimacy.

Sir Hari Singh Gour.

16,226. You want to control judicial discretion?—No; I want equality for all classes.

Mr. M. R. Jayaker.

16,227. Does not the trouble arise when members of your community claim to be Europeans for the purpose of the jury?—I should let them have the right of selecting whichever jury they wanted.

16,228. That trouble would not arise if your community decided to call itself Indian. The trouble arises because you have not decided whether to call yourselves Indian or European. Some of you call yourselves Indians and get tried as Indians; some of you call yourselves Europeans and when you do that you have to prove your legitimacy. Is not that the position?—No, that is not the position at all. The position is one that does not at all concern whether you call yourself a European or an Indian. The position is this. A jury system, I believe, has been inaugurated to give the accused the benefit of a body of people who are



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familiar with his ways, manners and customs.

Sir *Hari Singh Gour*.] This involves the consideration and amendment of the Statute known as the Criminal Procedure Code, and I do not think the Committee have anything to do with the amendment of that Criminal Procedure Code.

Mr. *Zafrulla Khan*

16,229. May I put this to you. The present position is that the Code makes an exception in favour of Europeans and I believe Americans; and the Code says this: A European or an American accused person can demand a jury of a certain composition, and the procedure is this: When any person whatsoever is brought before the Court as an accused person and makes a demand under those particular sections that he should have a jury of that particular complexion, then it is open to the prosecution (it is nothing to do with the Court) to challenge that demand on the ground that the person does not fall within the category of persons in whose favour that exception has been made, and once that challenge is made by the prosecution that person, it does not matter what his complexion may be, has got to prove that he does come within the category of those persons. What I should like to know from you is: What amendment to this procedure do you suggest?—I have suggested, Mr. *Zafrulla Khan*, a very simple amendment, and that is to Section 255, clause (1), and Section 284 (a) (i) of the Criminal Procedure Code, the following words be added: "or Europeans as he may desire." Let the accused have the right to claim a jury, the majority of whom may be Indians or Europeans. What harm is there in doing that?

Sir *Hari Singh Gour*.] Why do not you introduce a Bill in the Legislative Assembly of which you are a Member?

Sir *Hubert Carr*.

16,230. There is a question I would like to ask: Sir Henry, in your Memorandum under the heading "K-Railways," you put forward certain claims regarding railway employment. What I want to get clear is this: Is that going to settle your difficulties? May I explain my question in this way: You have put forward, as I understand it, that your community, in effect, is likely always to be a poor one because your successful

Members leave the community, and really it is for the large part only the unsuccessful ones who remain?—I hope I am not in that category.

16,231. For the large part is not that so? And, consequently, they will always require some protection and help. If that is a fair looking forward, do you consider that the numbers to be helped will grow and increase during the next 30 years, which I think you indicate as the period of protection?—The last census gave an increase of over 20 per cent. in the population; indeed, since 1881, the community has doubled itself.

16,232. Then can you explain how this matter is going to settle your difficulties—this claim which you have made—if your population is all the time increasing?—One cannot ask for protection in perpetuity as some demands are made in the White Paper. I will not be so ridiculous as to do so. I might amplify that demand by saying that together with this protection I should like associated with it that the protection should remain so long as employment is made on communal proportions.

16,233. The question as I see it is at the present time, for instance, that there are unquestionably a large number of English girls who marry Indian men. Do you anticipate that they are going to add to the numbers of your community, or will the offspring take on the parentage of the fathers?—Yes, they are doing that.

16,234. So that the proposals which have been put forward by the Associated Chambers of Commerce which are in your hands are proposals which are based upon a protection for a community approximately of the present size?—Yes.

16,235. Do you think they will be sufficient to enable your people to get that education which will enable them, after a period of time, to stand on their own feet and compete with all other members of the Indian Provinces and Federation for the official appointments?—Sir *Hubert Carr*, that is exactly what would meet my situation. All I ask is for protection for a few years until we get on our feet. We have been caught napping. We have been sitting in the lap of Government as its servant for all these years. Sir *John Simon* has said we have formed the policy of Government, and to that is attributed our present tragic position.

Marquess of *Salisbury*.] What is the Memorandum of the Associated Chambers of Commerce?

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[Continued.]

Sir *Hubert Carr*.] It has been circulated to the Committee.

Marquess of *Salisbury*.] It is in our hands, is it?

Sir *Hubert Carr*.] It is in our hands.

Witness.] Is this what you refer to: "We request that the present number of Anglo-Indians and Domiciled Europeans, lower and upper subordinates and officials in Railway employment, be not reduced for a period of at least 30 years from the date on which the new Constitution Act commences to operate."

16,236. I have not read it because it is set forth in the Memorandum, and it is only wasting the time of the Committee to read it?—That is the position; and I assure you that we do not want to be spoon-fed for more than a time to enable us to get on our feet and be level with the rest of India. Then we will sink or swim.

16,237. I am not suggesting that it is a matter of the community being caught. At the present time there is a strong demand for the communal division of appointments?—A very strong demand.

16,238. I suppose it is your idea that the communal side of that demand will die out in the course of 30 years or so?—I hope so.

16,239. And then your people, granted reasonable facilities for education, will be able and will be happy to compete with other members of the Federation?—That is what my position is.

Mr. *Butler*.

16,240. Did I understand you to say that if there was some sort of agreement on the communal distribution of the Services, you would waive your demand for statutory protection?—It all depends whether that is incorporated in the Instrument of Instructions. I believe that if there was an agreed communal proportion, taking into very serious consideration the position of the Anglo-Indian community and its Services (because we are all indenting on the past in our demands in this White Paper) taking that into consideration, and that we are given a certain percentage, I am prepared to waive this demand.

Dr. B. R. *Ambedkar*.

16,241. I realise from your Memorandum that you are very apprehensive of what may happen to your community under the new Constitution. I believe your apprehensions are shared by many other minorities. Therefore, the question I want to put to you is this:

Would it serve any purpose which you have in view if a provision was made in the Constitution that there should be some officer or some Department in the future Central Government of India which was charged with the statutory duty of presenting to Parliament annually a Report on the moral and material condition of the various communities in India? Do you think that proposal would be of any use to your community in drawing the attention of Parliament to anything that may have occurred in the course of the administration of various provinces affecting your material interests?—That proposal meets with my entire approval as the *ultima thule* of what would be the protection of minorities, but, as a preliminary canter to that, the minorities, in my humble submission, demand protection not in so far as someone who can report to the Houses of Parliament annually, but a practical protection.

16,242. Let me make myself clear. What I am suggesting is not in substitution of what you are asking; it may be supplemental to what you are asking?—Yes.

16,243. Do you agree with me that this opportunity, or this method of exposing possible abuses of power in itself serve as a check against any possible abuse?—I certainly think it would be a means of bringing to the Houses of Parliament anything in the way of a prejudicial effect on minority communities.

16,244. Not merely yours, but of many others?—Of all minorities.

Mr. *Zafrulla Khan*.] What would Parliament be expected to do thereupon?

Dr. B. R. *Ambedkar*.] It would lie there. Parliament would take note of the various Governments. Not only should the Governor-General know, but Parliament should know how the various Governments are executing their responsibilities to the various minorities which are placed under their charge.

Sir *Hari Singh Gour*.] And you would call that provincial autonomy?

Dr. B. R. *Ambedkar*.] Yes; I certainly would.

Mr. M. R. *Jayaker*.

16,245. Is it not a fact, Sir Henry, that most of your social and economic trouble has arisen from the fact that your community taken as an entity has not been able to decide yet whether they would regard themselves as Indians and throw in their lot with Indians, or

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whether they would regard themselves as Europeans?—I am very glad that Mr. Jayaker has raised that issue, because it is very fundamental and very germane to my demand. With all respect to Mr. Jayaker, for whom I have a great regard, and I know he is a wellwisher of my community, I cannot accept that position. The position is this: The Anglo-Indian community has been advised time after time, and the last time was in the despatch issued by the Secretary of State to the Government of India in September, 1928, as a result of a deputation that I led before Lord Birkenhead in 1925. They were advised to accept the position of the statutory natives of India. We have always accepted that position. It is no use saying "call yourself an Indian," or "call yourself a European," when the Government itself has placed me in this very invidious position. For defence purposes the moment I don my khaki and my Sam Browne belt I am a European. When I am working with my brother in the workshop I am a statutory Indian, and I can change from one to the other from day to day. It is no use saying "Be an Indian out and out and have done with it." I have done so, and I have records here in which members of the Legislative Assembly have got up and said "We do not want anything but pure-blooded Indians, not Anglo-Indians."

Mr. A. H. Ghuznavi.

16,246. Who said that?—Mr. Neogy. Mr. Jayaker has raised a very important point. I have in and out of the Assembly claimed my position as a statutory Indian. In and out of the Assembly certain sections of Indians have refused that status. They have put me on the side of the Britisher the whole time. I am not against it. I am friends with the Britisher. I belong to both countries, but it is no use telling me "Call yourself an Indian and you will get this; call yourself a European, and you will get that," because when I have called myself an Indian, and have taken it on that plank I have been refused it in the Legislative Assembly by certain sections of Indians.

Mr. M. R. Jayaker.

16,247. I do not wish to cause any offence to you and your community; it is merely a question of economic and social status. Do you not think that this

process to which you have referred, and cited the remarks of Mr. Neogy, is very much helped by the attitude of a very large number of the members of your community?—Not to-day.

16,248. Take what Mr. Zafrulla Khan referred to? When an Anglo-Indian accused is tried is it not a fact that in most cases (I will not give you the percentage) he claims to be tried as a European?—Yes, you are quite right.

16,249. That is exactly the point I am bringing out. Therefore, is it not a fact that this process goes on in your community (correct me if I am wrong) that when a member of your community goes beyond a certain status, or measure of affluence, he begins calling himself a European, and this process goes on so as to deprive your community of that social influence which a community is entitled to get by reason of its members rising from poverty to affluence. Is it not a fact that this process goes on?—I am sorry, but I cannot agree with you at all. When you use the word "European" I think it would have been better if you had said a European British subject.

16,250. I am speaking of that expression?—A European British subject is an entity which has a legal significance, and a man who has European parentage on the paternal side. It is that claim that the Anglo-Indian has put in for his trial in criminal cases, and he has had his reasons for it. I could cite a most terrible case which happened in Calcutta, where a Bengali barrister brought me the case and an Anglo-Indian was tried and denied the right of a European jury, although his father was in the Black Watch and fought in the Mutiny. He was convicted and sentenced to 10 years' imprisonment. I brought it before the High Court, and he was honourably acquitted. We claim to be tried by a jury that knows our manners, customs and ways the same as Europeans, and it is not a question of affluence for a man to claim his right of origin.

16,251. You have not applied your mind to the question. Does not this social depletion go on, if I may call it so, that as soon as members of your community get rich they practically go out of your community and call themselves by a different denomination, namely, European subjects?—No; Europeans.

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16,252. So long as that goes on your community is bound to remain poor economically?—That is quite right.

16,253. And no amount of protection is going to make you rich so long as you allow this sort of social depletion to go on. That is what I am putting to you?—The same colour prejudice exists in India (it is a colour prejudice); it is nothing else but that.

16,254-5. I have not been able to see what is the status your community claims even in this Memorandum. Look at the last page. You have an extraordinarily worded statement. May I ask your attention to the last few lines. "Ask the devout Hindu to exchange his ancestral caste for secular advantage. Ask the pious Musalman to abandon his holy creed for temporal gain. Ask us to sell" (this is the point) "our British heritage for a mess of political pottage. In every case the answer is instant and clear. Ours speaks in the heart of each of us. It throbs in the blood that mingles with our breath. It leaps to our lips in the soul-stirring appeal—'O, England! Who are these if not thy sons?' " Turn from this to the heading "R. Summary," paragraph 1, "Nature of our demand," and take the last line: "equip ourselves to take our place on equal terms with the other communities in India, till we can stand on our feet." Do you not think that there is a conflict between these two sentiments?—No.

16,256. In one case you are claiming privileges as the descendants of the British. In the other case, you are claiming privileges on equal terms with other communities in India. If, therefore, a critic said to you: "Your attitude is to have the best of the two worlds," would he be very far wrong?—Absolutely wrong, because my appeal is made as the son of the English pioneers who went to India. I am not making an appeal for any special treatment. I simply appeal to the Joint Select Committee that, if they look upon me as anything, they must look upon me as one of their sons; the same as the Parsee is the son of the Persian. I say I want equal treatment for my community.

16,257. What Parsee calls himself a Persian? However, we will leave it there for the moment. Then you talk of political expediency having been the cause of the deterioration of your community in the Services. What do you mean by that? Lord Hardinge put it to

you and one or two other questioners also put it to you. What do you mean by political expediency?—I mean the policy of the Government of India.

16,258. What is that policy—to penalise your community in particular?—It certainly has been sacrificed; the community has been sacrificed.

16,259. But is it not a fact that at one time you had the monopoly of the Government Services in certain Departments?—Yes.

16,260. And in the advance of education you have not been able to keep pace with the education tests and standards and you have lost. Is not that a fact?—Yes.

16,261. Then why do you say the Government have particularly sacrificed your community?—They certainly have. At one time we had nominations; at another time we had a certain community percentage. To-day they have overlooked all that in the demand of the larger communities in the Legislative Assembly.

16,262. The fact is, if I may put it to you, that all that monopoly, which you at one time enjoyed when education had not advanced, is now being reduced, but can you say that even your present proportion in the Services is not a great deal in excess of your population basis?—I do not understand what you mean by "in excess of population basis".

16,263. Take your population basis as 130,000. Those who class themselves as Europeans make it 128,000?—Actually it comes to about 150,000.

16,264. Take 150,000 and find out the ratio between 150,000 and the population of British India. Take the ratio. Do not you admit that even your present proportion in the Services is greatly in excess of that ratio?—Not if you compare other communities for other Services.

Mr. M. R. Jayaker.] I am not speaking of other Services. If you take the ratio between your total population and the total population of British India, do you not admit that, even now, with all the complaints which you make, with some of which I sympathise, your present ratio is in excess of your population basis?

Sir Hubert Carr.

16,265. Before Sir Henry answers that, might I interpose one question? Are you comparing the educated population of India or the total population?—That is what I was going to ask Mr. Jayaker.

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[Continued.]

Mr. M. R. Jayaker.

16,266. I am only putting it on the community basis which you claim here, namely, that your proportion in the Services should be guaranteed, and the only basis you can claim is the population basis?—With all respect, I do not agree with that, because these 250,000 or 500,000 jobs which are open to educated Indians and educated Anglo-Indians, are only open to the aggregate number of Indians.

16,267. May I ask you on what basis you justify this statement. “(d) Customs.”—“That at least 50 per cent. of appointments be reserved for Anglo-Indians and domiciled Europeans” in the particular Service that you refer to there. What is the justification for asking for 50 per cent. of those appointments except this basis that at one time you had 100 per cent. of those appointments which you have lost; and therefore you say: “Give us 50 per cent.” Is not that the only basis?—That is not the basis that I ask for. I ask for the basis I have indicated in my memorandum, because the Customs is a Service that Indians are not likely to enter because it is not devoid of the hardships that the Anglo-Indian is so enured to. The Customs is a Department that has been entirely built up by the Anglo-Indian community, and it is a Department that serves a very useful purpose, especially in Bengal.

16,268. Then necessarily your claim must be that this 50 per cent. of appointments must be reserved as *qua* Anglo-Indians irrespective of any qualifications or efficiency?—No, they are efficient and they are qualified, too.

16,269. There is to be a different test for your own community?—No.

16,270. The same test?—The same test.

16,271. The same test is to be applied?—Yes.

16,272. Then why do you want 50 per cent. reservation? How is it going to work out?—Because there is the same demand made for other communities to-day.

16,273. I am speaking of your community. \*Supposing there is a competitive examination and, say, 100 boys get through: as I understand your test, it is: reserve 50 per cent. of these?—But there is no competitive examination for the Customs.

16,274. Then how would you fill up these posts in the Customs?—They are all done by nomination.

16,275. And you want 50 per cent. to be done by nomination?—Yes. To-day you have 75 per cent.; I have come down to 50 per cent.

16,276. Your claim has nothing to do with the population basis or the educational test?—Yes.

16,277. Your grievance is, if I may say so: “At one time we had so many appointments. Now we want so many of them.” You compare the present with the past?—Yes.

16,278. That is the only basis of your complaint?—That is the only criterion for the future.

16,279. Then there is one more point. On the question of the railways, paragraph (iv), you say: “We request that the present number of Anglo-Indians and domiciled Europeans, lower and upper subordinates and officials in railway employment, be not reduced for a period of at least 30 years.” Do you think that is a reasonable demand, that your present proportion may be maintained for 30 years, even if other communities make an advance and get better qualifications?—I am not talking of railway engineering.

16,280. I am talking of railways. There is nothing to exclude the railway engineering Service from that?—There are all subordinate Departments.

16,281. You do not say that, Sir Henry. You say. “We desire that the present number of Anglo-Indians and domiciled Europeans be not reduced for at least 30 years.” I am asking you whether you think that this principle should be maintained irrespective of the advance made by other communities?—I am asking that the present number be retained for a limited period of years and I do so because out of nearly 700,000 appointments, the Anglo-Indian community has only 13,000 now, so that is not going to kill any other community.

16,282. The same in the case with Telegraphs?—In the case of Telegraphs, out of 130,000 we have got 2,300. That is not going to kill any other community, but it means the life and death of my community.

16,283. I understand your point. I do not want to worry you too much. You say in paragraph (iii), under the heading of “Cabinets and Public Services Commissions”—“That the smaller minority communities be collectively represented by at least one member in all Cabinets and Public Services Commissions and that

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one of the Councillors"—you mean "Counsellors"—not "Councillors"?—Yes, that is only a clerical error.

16,284. "and that one of the Counsellors of the Governor-General should hold a portfolio to ensure the protection and putting into effect of all Minority interests." Whom do you mean in that clause by "smaller Minority communities"?—The Minorities can roughly be divided into one big powerful community. The Muslims, who will look after themselves—I know they will—and the other Minorities.

16,285. Whom do you mean by the "smaller Minority communities"?—The Sikhs, the Indian Christians, the Depressed Classes, the Anglo-Indians and the Europeans.

16,286. Then your proposal, if I may say so, is the same as Dr. Ambedkar put to you a few moments ago?—I have always suggested that.

16,287. Then would you have any objection if this portfolio were to be held by one of the Ministers?—Provided he is a member of one of the Minority communities.

16,288. I see. But this Counsellor is not going to be a member of the Minority community?—Mr. Jayaker, I think we are at variance.

16,289. Have I made my question clear to you?—No.

16,290. You say the Minister must be a member of the Minority community, and only then you will trust him. May I ask you: Is this Counsellor to be a member of the Minority community?—No, I am not saying that at all. I do not mean that, Mr. Jayaker. I mean this, if I may put it in a few words, I have always maintained that, in all Cabinets, whether you like it or not, communal representation will be observed, because no Cabinet in India will be formed without a certain number. With that, the Cabinet will have communalism introduced into it, but the White Paper says the more important Minorities, and the more important Minorities include *ipso facto*, the Depressed Classes, Anglo-Indians, Europeans, Indian Christians and Sikhs. I say let all these Minorities be represented by one representative in the Cabinet or let one of the Counsellors attached to the Viceroy be responsible for that portfolio, that is, to bring to the notice of His Excellency the Governor

anything connected with the special protection of the Minorities.

16,291. I follow that. My question is very simple. In the case of a Minister you would make it a necessary condition before you give the portfolio to him that he must be drawn from one of the Minority communities?—Yes.

16,292. Would you make such a limitation in the case of a Governor's Counsellor?—No, I would not.

16,293. Why?—I do not see any reason for that. The Governor can select from whomever he wants.

16,294. In both cases the Governor has a special responsibility?—One is a responsibility; the other is the execution of that responsibility.

Mr. M. R. Jayaker.] That is all I ask you, Sir Henry; thank you very much.

Sir Hari Singh Gour.

16,295. Sir Henry, you said that your community is denuded at the top by a large number of your members classing themselves as Europeans. Is it not a fact that there is also an accession to your community at the bottom by a large number of Indian Christians calling themselves Anglo-Indians?—Very few to-day.

16,296. How many?—I do not think there are any to-day, because Indianisation has killed that. You get a job more as an Indian to-day than as an Anglo-Indian.

16,297. When the Anglo-Indians were a sheltered community a very large number of Indian Christians used to pass as Anglo-Indians?—Not a very large number.

16,298. What percentage?—I could not say. But there are some, the same as Anglo-Indians have posed as Europeans.

16,299. So you are suffering from denudation at the top and also an accession from the bottom?—Not to-day.

16,300. But you used to?—Yes.

16,301. Now you have said that you have a higher standard of living?—Yes.

16,302. And you are not able to compete on economic terms with an Indian employee?—Yes.

16,303. Take, for example, the railways: you would demand that members of your community doing the same work as an Indian should be paid higher wages?—No.

16,304. Then what do you want?—I demand nothing of that kind, and, Sir Hari Singh Gour, I would like to tell you that there is a new standard rate of pay



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in the Railways to all communities, there is no difference in pay at all to Anglo-Indians, Europeans or others.

16,305. You have said under Head (g) —“Previous Representations made by the Community”—that “the community, being accustomed to the European modes of living, has an economic standard much above that of the Indian, which makes competition with the Indian entirely impossible”?—Yes.

16,306. Take for example the railways. Do you want to have the reservation of places in the railways on the same footing as Indians or upon better pay?—No, the same footing.

16,307. Therefore, you want that there should be reservation in the higher ranks of the railway service, because when it comes down to the level where you cannot compete with the Indian, you want no competition at all?—I am not competing with the Indian for at least 700,000 of the jobs in the railways.

16,308. You do not compete because you cannot compete?—I am not competing.

16,309. Because you cannot compete?—Yes.

16,310. Then you want that out of the better paid jobs you should get a share?—Out of the jobs that demand a certain efficiency.

16,311. In that intermediate region where you want reservation of posts, are not those posts filled either by promotion from the lower ranks or by competition?—To-day the lower posts are filled by nomination by Selection Committees.

16,312. With due reserve to the claims of all communities?—Yes.

16,313. You know that the Legislative Assembly at the time you were a member passed a resolution for the commercialisation of the Railways and Posts and Telegraphs?—Yes.

16,314. And, consequently, these three Departments of Government must be run on a strictly commercial basis, which implies that they must employ the cheapest agency to do the work for which the employees are employed; is not that so?—I suppose that is so.

16,315. Now you say that you have 85 per cent. of your community employed in Government Services?—Yes.

16,316. Do you know that there is a very large number of European firms in India trading in jute, cotton, tea, and various other industries?—Yes, in Calcutta.

16,317. What percentage of your community is employed by those European firms?—Very small.

16,318. Is it not a fact that they are not employed because the European firms find it cheaper to employ Indians?—For their menial labour, yes; but for their staff they get them mainly from England.

16,319. Therefore, they do not employ members of your community, and yet their protagonist who sits behind me wants your community to be employed by Government?—Yes. May I amplify that by saying that the European firms in India are certainly making every endeavour to recruit Anglo-Indians in their staffs, owing to the lower salaries, and most of their stenographers and typists are Anglo-Indian women.

16,320. That is a very insignificantly small number compared to what they might employ?—That is right, because many hundreds of Anglo-Indian ladies are employed in offices; but there is one thing I may say, that there are very few, if any, Indian firms who employ Anglo-Indians.

16,321. The Indian firms and the European firms both err on the same side by not employing Anglo-Indians to the extent that you would wish them to employ them?—Yes.

16,322. You want the Government to reserve for thirty years certain appointments. You have said that your number is 90,000, and it would be 150,000 if you include men and women and children, and all old men; that is the aggregate. Is it not so?—Yes.

16,323. Out of that we will cut about 50 per cent. as children and old men and old women?—No, not a bit.

16,324. What percentage would you suggest?—50 per cent. of the old women?

16,325. No; children below the age of 15?—43,000 children below the age of 15. I have erred on the side of exaggeration; that includes European children. I should say 35,000.

16,326. From the 150,000 we deduct 35,000. They cannot be employed because they are of school-going age, and the superannuated members of your community?—I could not give you that figure.

16,327. We will say roughly 100,000 of adult men of working age?—I would say well over 100,000.

16,328. How many persons were employed ten years ago in all the Government Services, Railways, Posts, Tele-



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graphs and Customs? What was the aggregate number of Anglo-Indians employed ten years back?—I can only give you that information in a very positive statement to this effect, that ten years ago, when the census was taken in India, there were not a thousand Anglo-Indians unemployed; to-day there are over 20,000.

16,329. Your case is, therefore, that ten years ago, roughly speaking, every one of the adult members of your community was employed by Government?—Or by various other employers. When Sir Hari Singh Gour says "employed by Government," those are not my words. There were other employments very largely resorted to by the Anglo-Indian community some years ago which they have not to-day on account of their poverty.

16,330. They have been thrown out of employment now to what extent?—Nearly 20,000 of them to-day are unemployed.

16,331. One-fifth of them have lost their jobs?—Yes; and, what is more, the boys and girls who are coming out of our splendid Anglo-Indian schools to-day are finding it impossible to get employment.

16,332. What percentage of educated Indians ten years ago had employment under State service, and what percentage are employed to-day?—That I could not tell you.

16,333. Therefore you are not in a position to compare how in the economic world your community has suffered vis-à-vis the other communities of India?—I can now.

16,334. Then tell us?—In a certain way.

Sir Hari Singh Gour.] Not in a certain way; in my way; I want these figures.

*Chairman.*

16,335. Let us hear the way?—I do not know Sir Hari Singh Gour's way, but may I tell your Lordship that when he asks me that question it is impossible for me to carry figures for the whole of India in my head. I can only make this inference, that, according to the educated population of India, there are only one million educated Indians who have taken a secondary standard in English, and there are nearly 700,000 jobs I am talking of. There are one million Indians as competitors for 700,000

jobs in which I am in competition with 85,000 of my people who are educated. Here are 150,000 jobs facing them. On the other hand, you have a million Indians educated in English; you have 85,000 Anglo-Indians; the percentage is 8.5.

Sir Hari Singh Gour.

16,336. You state, Sir Henry, under Head "G" of your Memorandum, that your community sent a mission in 1829, over 100 years ago, to present a Petition to the Houses of Parliament for the protection and uplifting of your community, and that that mission returned empty-handed?—Yes.

16,337. And since then you have been sending mission after mission, with the same result. Why did that mission return empty-handed 100 years ago?—That is very ancient history.

16,338. But you have given the ancient history?—I will give it to you. I will tell you, Sir Hari Singh Gour, if you will allow me to, that nearly 100 years ago, when Mr. Ricketts came to this country and presented a Petition to the House of Commons, this country was then embroiled in its own election, in civic disturbance and in certain other things, and beyond the presentation of the Petition to the House of Lords and the House of Commons, no action whatever was taken. The reason why no action was taken was because the country was embroiled in its own troubles.

16,339. You have further said that the Montagu-Chelmsford and Simon Commissions Reports have only given expression to pious words of sympathy and goodwill, but have made no suggestion whatever to improve your community?—Yes.

16,340. Therefore, your position is that for the last 100 years your case has been before Parliament and before the various responsible Commissions and Committees and they have not yet given you practical support to your demands?—I have not said anything of the kind.

16,341. Is not that the net result of what you have said in your Memorandum under that heading?—No. In one part of my Memorandum I have said that time was when most of these appointments were held by Anglo-Indians. Only recently, especially since the introduction of the Reforms, has the community been prejudicially affected.

Dr. Shafa'at Ahmad Khan.

16,342. Sir Henry, the chief reason, I suppose, why you desire the reservation

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of posts for your community is that your community has been traditionally connected with the Services?—Yes.

16,343. And if there is a general clearance, if I may say so, of your community from these Services, it will not have any other source of livelihood?—That is right.

16,344. Therefore, you desire that the Constitution Act should lay down the exact percentage and proportion in all the Central Services in which you have specialised, so that, for the future, your community may be safeguarded?—Yes.

Dr. Shafa'at Ahmad Khan.] Do you think it is fair to other communities to have the exact percentage detailed and embodied in the Constitution?

Sir Hubert Carr.

16,345 About 33½ per cent.?—It may not be fair; it may introduce an anomaly; but the White Paper is full of anomalies, and one more anomaly will not worsen it.

16,346. So you admit it is an anomaly?—I would not say that. I will tell you why, Dr. Shafa'at Ahmad Khan, because the communal percentage of a definite character is to-day being operated by the Government of India. I will not go into which community it is because all Delegates are familiar with it, and rightly so. It has been operated in favour of a community which has been absolutely ignored in the past. Why should one community be singled out? I make this positive statement that, with retrenchment and economy being the order of the day, no new appointments are being created, but every appointment that is given to an Indian is taken from a European, or an Anglo-India. That is a positive fact which no one can deny. I do not say it is wrong. They must get their appointments.

Sardar Buta Singh.

16,347. Thank you?—But it is going on every day, and within the last few years I have been deprived of over 1,000 of my appointments; 7 per cent. of my appointments.

Dr. Shafa'at Ahmad Khan.

16,348. I am not against percentages for various communities in the Services, but I am against percentages in the Constitution Act. Do you insist on a specific percentage being laid down in the Constitution Act for your community? That is my point?—My Memorandum demands

that this protection should find a place in the Constitution Act. Whether it finds a place in the Constitution itself, or in the Instrument of Instructions, which I understand will be on a statutory basis, is not very material, provided the protection is supplied and power is given to the Governor-General or the Governors, or the Public Service Commission, that that should be put into effect.

16,349. So far as the question of protection of Anglo-Indians is concerned, you probably know the United Provinces Simon Committee was the first Committee which recommended certain safeguards for your community in certain Services?—I remember it, and I remember it with great gratitude to you, for you were largely instrumental in bringing it about.

Mr. Butler.

16,350. You said the Instrument of Instructions would be on a statutory basis. Is that your conception of the Instrument of Instructions?—I believe Sir Samuel Hoare has informed us so.

16,351. I do not think that is the description of the Instrument of Instructions which the Secretary of State has given, and I would refer you to his statement on that subject for the correct interpretation of the basis of the Instrument of Instructions?—If it is not to be on a statutory basis, the Instrument of Instructions will be as useless to the community as the present Instrument of Instructions is. It has never been operated.

Lord Rankeillour.

16,352. Is it not a fact that one of the clauses in the White Paper says that the Instrument of Instructions will contain certain provisions. Those, presumably, in the Act will be repeated, and those, therein set forth will be statutory. It will be mandatory on the Instrument of Instructions to contain those provisions?—What Lord Rankeillour says is right. I thank him for it. If that is right it would be ample for me. If it is of a mandatory character it is equal in practice to a statute.

Sir Hari Singh Gour.] It is the other way about, because if they became subject to a statute they would be subject to interpretation by the Federal or Provincial Courts, and, if I remember rightly, the Secretary of State said that should be avoided.

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Marquess of Reading.] I understood the Secretary of State on the last occasion we discussed this to say that, according to his last statement that no longer applied in the strict sense. There was no question of making it part of the Schedule, or anything of that character, but what he would say was that he undertook to lay a draft of the Instrument of Instructions before the Committee, so that they would see it.

Sir Hari Singh Gour.

16,353. That is so?—If that is so, I stand corrected, and I hold to the demand, with all humility, that it should be incorporated in the Statute.

Lord Rankeillour.

16,354. Would it not be the fact that if the Constitution Act contained a section embodying Proposal 21, it would be necessary under the statute to put those provisions in the Instrument of Instructions, and they would thereby become statutory?—I thank you for that advice. If proposal 21 is embodied and it is to become statutory I would be satisfied if it were in the Instrument of Instructions. If not, I demand, with all humility, that it should be incorporated in the Statute in some way or other.

Lord Eustace Percy.] It was on that very point that I put a question to the Secretary of State for the purpose of eliciting what the intention of the Government was, and he stated quite clearly that it was not the intention of the Government that the Instrument of Instructions should be so referred to in the Constitution Act as to make it interpretable by the Courts.

Marquess of Reading.] That is right.

Lord Eustace Percy.] That being the case, I will leave it there.

Dr. Shafa'at Ahmad Khan.

16,355. I thought, Sir Henry Gidney, in reply to a former question put by Mr. Jayaker, you agreed that if the Governor is given power to safeguard your interests, and if a clause to that effect is inserted in the Instrument of Instructions, you would probably be satisfied?—If it is of a statutory character.

16,356. But if it is not of a statutory character you would like it put in the Statute itself?—Yes. I have very great reasons for it, because, although it is there in large letters in the Instrument of Instructions to-day, it has never been put into operation and, with all respect to Ministers attached to various Provincial

Governments, the non-observance has been due to the influence some of them have brought to bear, rightly so, on behalf of their community. The Governor has never operated that Instrument of Instructions which it was specifically stated by the Montagu-Chelmsford Report should apply to the Anglo-Indian community.

Mr. N. M. Joshi.

16,357. There is no Instrument of Instructions to the Ministers?—I am not talking of the Ministers. I am saying the Governors have been influenced by the Ministers.

Dr. Shafa'at Ahmad Khan.

16,358. All the contentions you have put forward concerning various Services will have to be embodied in the Constitution Act?—If the Instrument of Instructions is not capable of embodying them to our satisfaction.

16,359. Supposing it is not possible to embody them on a satisfactory basis all the claims you put forward, a very large number, you will admit, must be incorporated in the Constitution Act?—I am not a draftsman, but I would suggest the insertion of such a clause that the interests of the Anglo-Indian and domiciled European community should be amply safeguarded, and that the details of those will be found in the detailed instructions for the Governor and Governor-General.

Mr. Butler.

16,360. Under the White Paper proposals the Governor-General will have a special responsibility for the interests of the minority communities?—I know that, but I form such a speck in the minority community. 33½ per cent. of the appointments to-day are given to minorities. I come nowhere in that.

16,361. Do you say you receive none of the appointments given to the minority communities? You are not included in the 33½ per cent.?—Very few.

16,362. That is not a correct interpretation of the position as it exists at present?—If you look at the official figures in the Postal Department, out of 47 appointments given for the Engineer's Department of the Telegraphs, only four have been given to us. Out of 19 in a certain Section of the Postal Department none have been given to us in certain Departments. We have been excluded because the other Indians have been taken in.

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Mr. Zafrulla Khan.

16,363. Four out of 47 would be slightly over 8 per cent. of the total?—Mr. Zafrulla Khan, I mentioned that for this reason: The Engineer's Department of the Telegraphs was built from the beginning to to-day by Anglo-Indians and we have a special claim on this Branch.

Mr. M. R. Jayaker.

16,364. That is the main grievance of your community that what you were in the past you are not now?—I indent on my bank of the past, and I am in good company when I do that, when I look at my friend Sardar Buta Singh. He claims privileged treatment for his Military Service in the past. I base my claim on that. The great community to which my friend, Dr. Shafa'at Ahmad Khan, belongs base their claim on the fact that his community has had nothing to do in the past with subversive movements in India. I base my claim on that. Then there is my friend, Sir Hubert Carr. He bases his claim for Commercial Safeguards on the amount of money that has been sunk in India in the past. Again I base my claim on the 300 years of service we have rendered to the country in the past.

Sir Hari Singh Gour.

16,365. You must apply to Parliament for a political pension?—When Sir Hari Singh Gour becomes Prime Minister I shall apply.

Dr. Shafa'at Ahmad Khan.

16,366. Personally I feel considerable difficulty in commenting upon the proposal you have made, and I think that it would be really impracticable. Would not you be satisfied if a general provision is incorporated in the Instrument of Instructions requiring the Governor or the Governor-General to protect the interests of minorities in Public Services?—I am very sorry, Dr Shafa'at Ahmad Khan, because I know how difficult it is for you, having regard to the opinions you have already expressed, and also the great part you took on the Services Sub-Committee, but a general provision like that would not satisfy my community. I want a specific reference to it.

Mr. Butler.

16,367. If it were based on the general agreement as to communal proportions, would that satisfy you?—Yes.

Dr. Shafa'at Ahmad Khan.

16,368. That would?—Yes. I would suggest that there should be a representative in the Lower Federal House.

Mr. Zafrulla Khan.

16,369. I want to put one or two questions to you in order to understand your proposals with regard to some matters you have put forward. I have no desire to argue the merits of your proposals. With regard to this grievance that you have as to juries, is your position this that any accused person, it does not matter what he may be, European, Anglo-Indian or Indian, when he is brought before the Court in a case where there is to be a jury trial should have the right to demand any kind of jury that he prefers—wholly European, partly European and partly Indian, or entirely Indian. Is that your position?—Mr. Zafrulla Khan, correct me if I am wrong, I am not a lawyer, but I do not think anyone can demand a jury wholly European—a majority.

16,370. I am not asking what the position is now. I am asking you what you wish the position to be?—That is exactly what it is. Every man should have the right.

16,371. To have any kind of jury he likes?—Yes.

Mr. Zafrulla Khan.] Supposing every man brought to trial demanded a European jury, or a European majority, there would not be enough Europeans in India to serve on these juries even if they served all their time on the juries.

Sir Hubert Carr.] Is not that applicable only to inter-racial cases? It is not where a European is against a European.

Mr. Zafrulla Khan.] Where there is a European alone, he can have an entire European jury.

Sir Hari Singh Gour.] No, not an entire European jury, a majority.

Mr. Zafrulla Khan.

16,372. Not an entire European jury, a majority. I ask Sir Henry Gidney what he desires. Let us say he desired that every accused person should be entitled to have a jury of the complexion he likes. How would it work out in practice if every Anglo-Indian desired a jury with a European majority, as he says, every Anglo-Indian should be entitled to desire?—That is the problem that faced the Racial Committee under Sir William Vincent. If I remember rightly, it was on that very point that

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the compromise was arrived at. I know that was discussed. I do not think the objection is so formidable as my friend Mr. Zafrulla Khan has stated, because the cases are few and far between, and these cases are taken to different Courts, or different States, where a European or an Indian jury is always easily obtainable.

16,373. You would not make any distinction with a European and an Anglo-Indian: You would not say you would wish to add that category to the European so that they would be able to demand a particular jury?—I am not going to introduce a racial distinction. Whether he is Anglo-Indian, European, or Indian, let him get the jury he wants. Why should you confine it to one, and claim legitimacy proof from one and not from the other?

16,374. The moment you had a definition whoever came under that definition could be challenged, and would have to prove it, and, if you want to get out of the difficulty of having to prove any particular definition as applicable to you, you would have to accept the position that any accused person could have the right to select a jury, provided it was a jury trial. I understand your position?—No difficulty is so great as to prevent the administration of justice.

16,375. True. With regard to the privileges of various kinds you have been asking for, whatever may eventually emerge with regard to that, surely you would admit that the children of all marriages between Indians and Europeans and their descendants (it does not matter whether the father is an Indian and the mother is a European) would be entitled to claim the benefit of that?—Yes.

16,376. And you would not keep them out?—No.

16,377. So that if the proportions which might be fixed for you were filled with some of those who are commonly known as Anglo-Indians, and the rest from the class of Muslim or Hindu children of European (and Indian marriages, you would have no objection to that being done?—No.

16,378. One thing I want to clear up is with regard to the numbers that you have been mentioning in the course of your evidence. I understand the total number of persons at present classified as Anglo-Indians is about 98,000 in British India—say, 100,000 roughly?—No, Mr.

Zafrulla Khan. I might tell you that this has been a matter on which the Census Commissioner has himself had to write a subsidiary note in which he said it has been under-estimated.

16,379. What is your estimate?—175,000 at least.

Sir Hari Singh Gour.

16,380. It was five minutes ago 150,000. Have you gone up to 175,000 since?—My Lord Chairman, Sir Hari Singh Gour should not put words or meanings into my mouth that I do not intend to convey. When I said 150,000 I quoted his statement. I have repeated in this room that the total population of my community is a varying one. To my mind it is about 175,000.

Mr. Zafrulla Khan.

16,381. Very good. In that 175,000 you are including the 30,000 odd who rank as Europeans?—Yes.

16,382. Therefore, in your estimates on the other side, as to how many are employed and how many are unemployed, you were excluding that 30,000?—Yes.

16,383. Consequently your 175,000 must be considerably reduced for the purpose of considering how many of you are employed or are unemployed?—Yes.

16,384. Therefore, would 100,000 or 120,000 be a fair figure according to you?—Yes, about 135,000.

16,385. That includes women and children, does it not?—Yes.

16,386. When employment is considered, particularly in India, in the Railway Department, the Telegraph Department, and so on, it is only adult men who are kept in view because no women are employed on the railways?—Yes.

16,387. Therefore, out of the 135,000 half would be women, roughly?—That is right.

16,388. That would give us about 67,000, would it not?—Yes.

16,389. And out of those 67,000, roughly again, only half would be over 21?—I should say more than that because you have excluded the children.

16,390. No, I have not yet excluded the children. I have said out of the 135,000 half are women?—Yes.

16,391. That gives us 67,000 males including children?—Yes.

16,392. I should say certainly not more than half would be over 21?—Of males?

16,393. Males?—Yes.

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[Continued.]

16,394. That gives us roughly 33,000, the figure to be considered for the purposes of employment. You say 25,000 odd jobs are held by your community. Yet you say there is a figure of 20,000 representing unemployment. How do you reconcile those figures?—Not a bit. If you have brought me to that calculation I will have to take my calculation now. When I put down the 25,000 I included the Domiciled Europeans.

16,395. The 25,000 odd jobs include the Domiciled Europeans?—Yes.

16,396. You want reservation of how many out of these 25,000? How many of these 25,000 are held by the Anglo-Indians?—I am more familiar with the railways. There are 13,600 Anglo-Indians on the railways and about 2,800 Domiciled Europeans—roughly 16,000.

16,397. My question is: How many Anglo-Indians are employed in railways and other Government Departments altogether in India?—I could not tell you in all other Departments, but I could tell you with some accuracy in the railways.

16,398. So really you could not tell us how many posts altogether you want reserved?—I can. I have said about 25,000.

16,399. I shall not pursue that further, because we cannot deal with the confusion between the Anglo-Indian and the European on this point?—The domiciled European.

16,400. Very good. Would you kindly look at the paragraph of your Memorandum dealing with the numbers of subordinates whose salaries rise to 250 rupees per mensem? Here you put forward some figures and presumably make a complaint that the recruitment of Anglo-Indians to these 1,003 new appointments was much less than you would have desired it to be, and you say you obtained only 7.4 per cent. of these 1,003 new appointments?—Yes.

16,401. You also say that the Muslims obtained 9.9 per cent. Considering that you are one to seven hundred Muslims in India, do you think you have a peculiar grievance in this matter?—I think myself, Mr. Zafrulla Khan, that the Mohammedans and the Muslims have a more serious grievance than any other community in India. I was responsible for bringing to the notice of the Muslim community that they should fight for a larger representation, as to which up to now they had remained quiet. I sub-

mit that the Muslims have been poorly represented in the railways, and they deserve more attention than any of the other communities.

Sardar Buta Singh.

16,402. I wish to put one or two questions to Sir Henry, with your permission, my Lord Chairman. Sir Henry, I must thank you for the replies that you have given to one of my colleagues. It appears that you have got a soft heart with regard to my community?—Very.

16,403. Then I will refer you to page 71 of the Proceedings of the Second Round Table Conference, Appendix IV. There there is a statement from the Simon Commission Report to this effect "It is a striking circumstance that this small community" (that is the Sikh community, my community) "contributed no less than 80,000 men to serve in the Great War—a larger proportion than any other community in India"?—Yes.

16,404. Do you agree with the statement, "than any other community in India"?—In total figures.

16,405. Yes?—But not *per capita* of the population.

16,406. No. I want to ask you another question. I should like to call your attention to the fact that the people of my community rendered very distinguished and conspicuous service on all the fronts at different stages of the war?—I agree with you entirely.

16,407. Then I would draw your kind attention to page 66 of the same Report, Appendix III: "Provisions for a Settlement of the Communal Problem, put forward jointly by Muslims, Depressed Classes, Indian Christians, Anglo-Indians and Europeans"?—Yes.

16,408. A Minority Pact was formed and you were one of its distinguished members?—I started it.

16,409. Thank you all the same. There were other very distinguished members?—Sir Hubert Carr was one of them.

16,410. Members of the Round Table Conference such as His Highness The Aga Khan, Dr. Ambedkar, Sir Hubert Carr, and another Christian gentleman, Rao Bahadur Pannir Selvam?—Yes.

16,411. And there, although my Sikh predecessors sat round the Round Table Conference, they did not take part in the deliberations carried out by this Minority Pact, but still a certain per-



10<sup>o</sup> Novembris, 1933.] Lieut.-Colonel Sir HENRY GIDNEY,  
M.L.A., I.M.S. (Retired).

[Continued.]

centage of seats were allotted to my community. I would draw your attention again to page 70 of the same Report. You see there that out of 100, 20 per cent. of the total strength of members of that Punjab Legislature were allotted to the Sikhs. Is that true?—Yes.

16,412. And in the Central Legislature out of 200 my community were allotted six seats; that is on page 69?—Yes, six in the Upper House and 10 in the Lower House.

16,413 Then I think you would agree with me that my community in the Punjab is a very important minority?—Very important.

16,414. And they have got all their interests in the Punjab; their religious shrines and institutions and everything in the Province?—Yes.

16,415. Not only that, but you know that they pay a very large amount of land revenue—much beyond their population basis?—Yes, I believe so.

16,416 And you are aware that in the Communal Award which was given by the Premier we were given a less proportion than I have just referred to?—That is so.

16,417. Only one other question. Are you aware, Sir Henry Gidney, that every year hundreds and thousands of graduates graduate from the different Universities of India?—Yes, I am aware of that.

16,418. Are you also aware that they are roaming about the streets without getting any employment?—No, I am not aware of that.

16,419. This you would admit, that the proportion of the posts is very much limited in accordance with the number which is turned out every year from these Universities; the prospect of getting posts is very limited?—I believe the supply is greater than the demand.

16,420. And on account of this retrenchment the number of unemployed is much more increased?—Yes.

Marquess of Salisbury.

16,421. Sir Henry Gidney, I understand from your evidence that apart from all these questions of percentages you anticipate that in a short time if nothing is done Anglo-Indians will lose all or practically all public employment?—I am as certain of that, Lord Salisbury, as that night follows the day.

16,422. Apart from any question of percentage that is what will happen, and you consider that whatever is the Gov-

ernment of India at that time will be presented with this problem of how to deal with this community which has lost its employment?—That is so.

16,423. You consider that a great obligation rests upon the British Government and on Parliament to protect the Anglo-Indian community in case such a contingency should happen?—That is not only my opinion but it is the opinion of the Government of India, who in their Despatch on Constitutional Reform reply on the railways said that the future of the Anglo-Indian community is a responsibility upon Parliament.

16,424. Having studied the White Paper, you do not find in the White Paper any provisions which would ensure that protection?—None at all.

16,425 And you think that some such protection ought to be inserted in the White Paper?—I do.

16,426. You have been asked whether it would be sufficient if it were in the Instrument of Instructions or in the Statute and you were not able to accept the Instrument of Instructions alone?—No.

16,427. But probably you would admit that if there were some provision put in the Instrument of Instructions it would be of assistance to you?—I would reply very hesitatingly to that.

Major Cadogan.

16,428. Might I refer to what you say in your Memorandum on that subject under the heading, "J—Protection Claimed". "The community also feels that if these powers are merely to be repeated in the Instrument of Instructions, they will be of very little material value." Then you give reasons?—Yes.

Marquess of Salisbury.

16,429. At any rate, you think that some protection should be provided in the White Paper and you do not find it there?—I do not find it at all.

16,430. You think it is partly the duty of His Majesty's Government and those who are responsible for the White Paper to provide some protection?—I look upon it as a moral duty of the British nation.

Lord Middleton.

16,431. Sir Henry, in Chapter K of your Memorandum dealing with "Railways," you mention that your community is entitled to employment on the railways, and you make a special reference to "the transportation of troops during



10<sup>o</sup> Novembris, 1933.]Lieut.-Colonel Sir HENRY GIDNEY,  
M.L.A., I.M.S. (Retired).

[Continued.]

the various wars, a service which cannot be denied or adequately valued in terms of rupees, annas and pies." What exactly do you imply by that?—It is a matter which one hesitates to emphasise, but one has to face the position. There is not the faintest doubt, Lord Middleton, that the community has been the backbone of the railways in all strikes, especially strikes which have happened during unrests. Indeed so great has been this backbone and so strong has been the stability that when the Labour Commission came out to India one of the chief Labour exponents on that Commission called me a blackleg because I was loyal to the Government during the strike. I am speaking with all respect to the views that the Labour Member held. We have been the backbone of the Government, and the Government has always been able to depend upon us in all railway strikes. I go further, Lord Middleton. If I were in a position to make a Pact with the Indian members of the railway—and I am not saying all Indian members are disloyal—not at all, but to-day the Indian Labour Union on the Railways is run by political people and any political demand is always reperculated in a Labour upheaval on the railways. If we were to be inclined to join with them the railways in India would be paralysed and the Government would have to give in to our terms.

Mr. N. M. Joshi.

16,432. Are you not President of the National Union in which there is a large number of Anglo-Indians?—I am admittedly President of the National Union of Railwaymen, which is one of the best Unions in the whole of India.

16,433. Are you a politician?—I try to be one.

16,434. Therefore why do you blame Indian Unions for having politicians?—That Labour Union has been the means of stability in the whole of the G.I.P. Railway, and it has been recognised by the Government as such because it has Anglo-Indians on it.

Lord Middleton

16,435. With regard to franchise, you asked that membership of the Auxiliary Force should be a qualification of enfranchisement. Is it correct that only Europeans and Anglo-Indians are enlisted in this Force, and in what way are members of your community con-

scribed into a voluntary force?—Lord Middleton, the employment of an Anglo-Indian on every railway in India has as a term precedent to employment a condition that he must serve as an active member of the Auxiliary Force, which is the second line of defence of the British Army. In the agreement that every railwayman signs there is a certain clause which says, "Will you serve in the Auxiliary Force?" or words to that effect, and he has to say, "Yes." If he says, "No," he is not employed.

16,436. Is it a grievance that other races do not have to fulfil those conditions?—It is not a grievance to me. I am proud of being a member of that community; but it is preferential treatment that the Government has introduced. On the other hand when I say, "Give me some statutory protection in the White Paper," you say, "I cannot do it."

Marquess of Zetland.

16,437. I should like, if I might, to try to clear up one question about which I am completely in the dark, and that is with regard to the actual numbers of your community. Let me put my difficulty. In the Report of the Franchise Committee the male population of your community is put at just over 50,000?—Do you mean in the last Census Report, Lord Zetland?

16,438. No; these are the figures given in the Report of the Franchise Committee?—Yes.

16,439. In which they say that the male population of your community is 50,000?—Yes.

16,440. Now what proportion of that would be adults?—Lord Zetland, might I correct that? That only refers to British India. It does not refer to Indian India, in which one-third of my community exists, or Burma.

16,441. That figure only refers to the Provinces of British India?—That is so, and even then that was corrected by the Commissioners' note that a certain percentage should be added.

16,442. That clears up that difficulty; thank you. Then your main remark with regard to employment in the future is to be found under the heading "I.—Comparisons," in my copy of your Memorandum, in which you ask that for a period of 30 years 25,000 appointments should be statutorily reserved for you—at least that is how I understand it. Is not that so?—Yes.

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[Continued.]

16,443. 'Are those 25,000 appointments spread over the whole of India in Central Services and Provincial Services?—Yes.

16,444. The whole of your State employment?—Yes.

16,445. And you say that at the end of those 30 years you want a statutory guarantee that adequate employment should be secured to your community. What do you mean by a statutory guarantee of adequate employment?—Lord Zetland, I would, with the Lord Chairman's permission, like to supplement or rather implement it in this way: I do not ask for a statutory guarantee, because I do not see how you can guarantee in perpetuity, but that an adequate number of Anglo-Indians and domiciled Europeans will be employed so long as recruitment to the Services is based upon communal representation.

16,446. But what do you mean by adequate?—"Adequate" is a very elastic and convenient term.

16,447. That is why I wanted to know what you mean by it. At any rate, I understand what you mean is a certain proportional representation in the different Services. You cannot put it more precisely than that?—There are various ways in which this adequacy can be gained or assessed. There is one way that I would bring before the Committee, and that is really a practical way. For these appointments a certain knowledge of English is required, and in the whole of India there are a million Indians who are educated as I have just said, and then against that there are 85,000 Anglo-Indians and domiciled Europeans who are adequately educated; that gives you 8.5 per cent. of those appointments straight off, or 8 per cent., but if you gave me 8 per cent. of those appointments I would not have enough men to get those jobs. The result is that I have not got that. That is one way in which it can be adequate.

16,448. There is one other question I want to ask you, because it is not quite clear to me. Is the recruitment for the 25,000 appointments referred to in your Memorandum mainly by competitive examination or mainly by selection after a qualifying examination?—Mainly by selection; there is no qualifying examination.

16,449. No qualifying examination at all?—No. For instance, I take the railways; twice a week there is a Selection Committee sits consisting of a certain

number of officials, and before them come, say, 50 to 100 candidates, and they just go through the line and select their candidates.

16,450. But do those 100 candidates not have to have any educational qualification at all?—Yes, they are supposed to have an educational qualification.

16,451. That is what I meant by a qualifying examination?—Yes, I beg your pardon. But there is no examination there; they have to possess a certain standard of education.

16,452. But the curriculum in the Anglo-Indian schools surely differs from the curriculum in the ordinary English schools and colleges?—Markedly. It brings the Anglo-Indian lad two years later almost than the Indian lad into the market for employment.

16,453. But how is the standard of the two different curricula brought together for the purposes of recruitment?—The Senior Cambridge and the Matriculation are brought on a par. The Matriculation is passed as a rule at a very much earlier age by the Indians than by the Anglo-Indians.

16,454. What did you say the corresponding qualification was in the case of the Anglo-Indian? Is it the Cambridge Local?—No, the Senior Cambridge, which is a very much higher examination than Matriculation.

Lord Rankeillour.

16,455. Sir Henry, in spite of what has fallen from Lord Reading, would you think it worth while to put an amendment such as you desire into Proposal 21, because, although it might not be enforceable by the Court, it will be the duty of the Secretary of State and ultimately the responsibility of this Parliament to enforce it. I mean a mention in the Instrument of Instructions. Do you think it is worth while?—If that is going to enhance the protection, I would accept it.

16,456. Has this same problem arisen with your community in the Protectorates of foreign countries, say, in Goa or Pondicherry?—Goa is Portuguese.

16,457. Yes, I know?—Gao is mainly an agricultural country.

16,458. What about Pondicherry?—I do not think there is any community there.

16,459. There is nothing to be learned from there?—No. The comparison I would make of preferential treatment is the Dutch Indies. In the Dutch Indies

10<sup>3</sup> November, 1933.]Lieut.-Colonel Sir HENRY GIDNEY,  
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[Continued.]

the Dutch Javanese have all the appointments the mixed races have all the appointments.

16,460. You referred at the beginning to certain appointments in the Postal Department. I did not quite understand that. You said they were not advertised and were distributed by way of patronage. To what appointments do you refer there?—When I referred to the Post Office I referred to it as an instance of a Department in which the Anglo-Indian was to-day almost extinct, although but a few years ago he played a large part.

16,461. What were these appointments which you said were not advertised and were made privately so that the members of your community could not get a chance of applying for them?—Mainly clerical appointments.

16,462. Who made them?—The Superintendent of the Office.

16,463. He has power to make these appointments?—He generally brings it to the ear of the head of the office, and the practice has been admitted by Government in the Despatch on the Representation of Muslims on the Railway. Mr. Hussan made that charge against those who got their brethren into offices.

16,464. And you support that?—I support that. That has been the curse of the whole thing.

16,465. Does that apply to original appointments?—Original appointments.

16,466. And promotions?—Promotions depend on so many factors.

16,467. You are talking of original appointments?—Yes.

16,468. You remember Sir Edward Benthall of the Chambers of Commerce accepted the suggestion that he should make some definite proposals in his report on the Railway Board. Do you know when we are likely to get that report?—I think it is out. It has been submitted to the Joint Parliamentary Committee in which they wholeheartedly support my view. I refer to the Memorandum submitted by them to this committee.

Major Cadogan.

16,469. I should like to ask Sir Henry a question on his paragraph which is headed "Protection claimed" where he deals with the claim for economic protection, heading "J." Supposing it was proved to be not feasible to incorporate any such guarantees as Lord Hardinge and other Members of the Committee

have dealt with in the Statute, and supposing equally it proved to be not feasible to insert any such assistance as you require in the Instrument of Instructions or provision for such assistance, have you any other suggestion to make as to how Government could assist you?—Of course, as I have already said, Major Cadogan, the incorporation in the Statute is my first demand with all humility and respect. Since these Instruments of Instructions do not carry equal weight it will be of very little use to me except, as Lord Ranneillour has just said, a certain additional power. If neither of these is capable of being done then the future of my communities will be bankruptcy. Then I place my demand on a higher plane, that of moral responsibility of the British nation and Parliament, and in support of it, I have His Royal Highness's assurance to me that England will not forget this community. I mention that in my paper. Apart from that, the only other solution is that Government will do as they have done in Palestine with the Syrians—give us national homes; give us landed areas so that Anglo-Indians can go there.

Sir Hari Singh Gour.] You were given national homes.

Major Cadogan.

16,470. Is that what you suggest?—Sir Hari Singh, Gour has interfered on a matter of which, I am sorry to say, he knows nothing. I have never had a national home except India. Twelve unemployed ex-soldiers were sent for 12 months to the Andamans. That is not a national home.

16,471. You refer to what you call a Treaty obligation on the part of the Government in connection with your community—vested interests. You say: "Failing this and in consideration of the assurances of economic protection given to the Community by the Government of India and Parliament, which have been so many as to have assumed the force and value which is rightly attached to a Treaty Obligation"—what do you mean by that. Can you amplify it?—Yes, Major Cadogan. I look upon it in this way. I say that, considering the services the community has rendered to this Empire, considering the assurances given to us by the Secretary of State, by the various Governors, and by His Royal Highness the Prince of Wales, and considering the fact that England is responsible for this community, these various

10<sup>o</sup> Novembris, 1933.]Lieut.-Colonel SIR HENRY GIDNEY,  
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[Continued.]

assurances, if not a moral obligation—these various assurances and promises—are tantamount to vested interests. Indeed, I think they have a stronger claim to be called vested interests than many vested interests that have been put forward in the White Paper. I go further and say that it is a claim on the British nation, because the British nation, together with the Indian nation, called us into existence, and I put that down on a higher plane. It is a vested interest. It is practically a sacred obligation on the part of England.

Sir Reginald Craddock.

16,472 Most of the questions I was going to ask have been covered already, but there are just one or two points I wanted to elucidate further from Sir Henry Gidney. He has told us he is most acquainted with the railways as an occupation for Anglo-Indians. How long is it since the pay of an Anglo-Indian guard or driver was higher than the pay of an Indian guard or driver?—Only quite recently.

16,473. What were those pays?—The pay was much more for an Anglo-Indian or a European guard—at least one-third more.

16,474. You cannot give the figures, can you?—I can give you figures for certain appointments. An Anglo-Indian or a European railway guard were on two different scales. There was a difference between the European and Anglo-Indian. If the European got Rs.200, the Anglo-Indian got Rs.150, and the Indian got Rs.100.

16,475. As a guard?—That is about roughly the division.

16,476. That is what it was formerly. What is it now?—The rates have been standardized and I have not got the rates of pay.

16,477. What is the figure?—On an average the subordinate departments of the railways have been reduced 30 per cent. on all rates of pay.

16,478. When an Anglo-Indian wants to be a guard what is the pay at which he has to start?—To-day he starts at about 35 to 40 rupees.

16,479. And the same with the Indian?—And the same with the Indian.

16,480. But formerly he would get more?—He got much more. He got about 65 rupees.

16,481. Therefore, of course, there has been a temptation to the railways, on the ground of economy, to employ more

Indians as guards than Anglo-Indians?—In a measure, but they have been following the policy of the Government.

16,482. But the present Governors' Instruments of Instructions require them to look after the interests of minorities, including Anglo-Indians?—Yes.

16,483. It is your opinion that that power has not been effective?—Yes.

16,484. You put it on the ground of political pressure?—Yes.

16,485. But there is another difficulty, is not there, that, short of the Governor or the Governor-General ordering railways to take such-and-such a proportion of Anglo-Indians, he has to leave these things to the ordinary constitutional and administrative methods?—Yes.

16,486. Therefore, he has failed, not through any lack of good will, but because the various intermediary authorities through whom these things go are not, as it were, directly under the orders of the Governor or the Governor-General?—The Governor has nothing to do with the railways. The Governor-General has indirectly, although it has not been a special responsibility of his hitherto.

16,487. What I mean is that under the present Constitution at the Centre all these matters are regulated by the Governor-General in Council?—It is not regulated so much by him as by the Member in charge of Railways.

16,488. He is a Member of the Council?—Yes.

16,489. And he might have to overrule his Council?—Yes.

16,490. Which he could only do on the ground of the safety of the realm, so to speak?—Yes.

16,491. That is under the present Constitution?—Yes.

16,492. Therefore it is hardly feasible for a Governor-General or a Governor to interfere at so low a stage as the appointment of guards, for example?—He would not do it.

16,493. He would not strictly have any power to do it, except through his Council?—That is so.

16,494. So therefore it is rather not through any lack of will to help your community in accordance with the Instrument of Instructions, but because the means of exercising that power are almost non-existent?—That is so.

16,495. Therefore, you want, if you are going to have Instruments of Instructions upon which your community will depend for their protection, to give to

10<sup>o</sup> November, 1933.]Lieut.-Colonel Sir HENRY GIDNEY,  
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[Continued.]

the Governor-General or the Governor, as the case may be, powers which he can put into effect under the Constitution?—Yes, that is so.

Mr. M. R. Jayaker.

16,496. That is power to look into the appointment of servants like guards?—No, I do not say it is looking to the appointment of servants like guards, but it is just this day to day administration that has affected the community so seriously.

Mr. Butler.

16,497. Is it not a matter for administrative agreement, Sir Henry, since it is a question largely of administration? It is a question of agreement for settling the communal proportions?—It all depends upon what standard you set for your communal proportions, if it is on per capita, education or legislative representation. I have dealt with all of those three systems in my memorandum.

Dr. Shafa'at Ahmad Khan.

16,498. If the communal proportions are settled, some effective machinery will have to be provided to see that they are implemented?—Yes.

Miss Pickford.

16,499. In reply to Lord Lothian on the question of the franchise, you said that if property, payment of taxes and education were alternative qualifications, all your community would be enfranchised?—Yes.

16,500. Is it not the case that a very large number of women would only be enfranchised on the education qualification, as they would not hold property or pay taxes?—Quite right.

16,501. Are you aware that the White Paper proposes that for the provincial franchise, that in Bombay, Bengal, Bihar and Orissa and the Central Provinces, the educational qualification for both men and women will be matriculation or the school leaving certificate?—Yes.

16,502. Would that exclude a number of the girls of your community?—A large number.

16,503. And would you therefore desire a lower educational qualification?—Yes.

16,504. Then you were not quite accurate, were you, in saying that all your community would be enfranchised under the White Paper proposals?—I was referring mainly to the understanding that I had in mind that there were alterna-

tive qualifications such as property, payment of taxes and a lower educational standard, but I was not aware of the fact that matriculation was to be demanded as a standard for the Provincial Electors.

16,505. But if the matriculation standard were a qualification in those provinces, it would exclude a number of your community?—Do I understand you to refer to the Federal Electorate or to the Provincial Electorate, Miss Pickford?

16,506. To the Provincial Electorate?—It would exclude a large number.

Mr. M. R. Jayaker.

16,507. You would prefer a mere literacy qualification which would bring in all your women?—If literacy is to be understood as far as we have applied it to the Depressed Classes and other Classes, our women's literacy is cent. per cent. in my community.

16,508. What I say is that literacy would bring in a larger number of your women than a matriculation standard would?—Yes.

Miss Pickford.

16,509. The matriculation standard would exclude some of your women and the literacy qualification would admit them all?—The matriculation standard would exclude a large number of my women and literacy would include them all.

16,510. Now is it a fact that the trained nurses in India who the Simon Commission say have performed one of the foremost and most urgent needs of Indian society have been up to date drawn almost exclusively from the Anglo-Indian community?—Almost the entire nursing staff of every hospital in India, and Burma has been drawn from the Anglo-Indian community for many decades.

16,511. Is that still the case?—No; it has been the case up to now. Indeed, they were the pioneer nurses, there, with the help of some British nurses. To-day there have been serious efforts made to displace them. I will give you in particular the efforts made this year at Lahore. The Lahore municipality and other such bodies have lowered the rates of pay of the Anglo-Indian nurses to the level of the Indian nurses. In other words, the Anglo-Indian nurse, if she wants to live there, has to become a vegetarian. If she does not want

10<sup>o</sup> Novembris, 1933.]Lieut.-Colonel SIR HENRY GIDNEY,  
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[Continued.]

to she can go. If these nurses are not reduced, certain municipalities like the Calcutta Corporation have threatened to cut their grant to the Medical College Hospital. I want the Indian women to be trained as nurses, but in doing that, why inflict this penalty upon the Anglo-Indian women who have rendered such great service in the hospitals.

16,512. Your position would be that you would wish all nurses to receive the same rate of pay but that rate of pay should not be reduced below the level at which your community can live?—Or compromised at a level at which they can live such as the railways have done.

16,513. And if a municipality required a hospital to dismiss Anglo-Indians and employed Indians as a condition of receiving grant, would not that be a discriminatory action against a community?—Very marked, particularly to the community whose women did such a great service in the nursing department.

16,514. Is it a fact that nurses from the Anglo-Indian community will perform all the necessary service for the sick, whatever their race or religion may be?—Absolutely.

16,515. And that some Indian nurses would be precluded by rules of religion and custom from performing all those services for all races?—You have really mentioned a very important point, Miss Pickford, because to-day the Indian nurses are largely recruited from those who do not observe caste; otherwise they would never enter a hospital. Indeed, there are delicate matters which one need not refer to here which the Indian nurse will not undertake, and the Anglo-Indian nurse does undertake.

16,516. So it is in the interests of the sick generally that the Anglo-Indian nurses, who will perform all services, should be continued in the hospitals?—Certainly.

Mr. M. R. Jayaker.

16,517. Do you suggest that the Indian nurses who are employed at the present moment do not perform all services for their patients?—No.

Sir Hari Singh Gour.

16,518. Do you suggest that Anglo-Indian nurses should be employed to minister to the wants of Indian women?—They do it.

16,519. You suggest that?—They do it; no one else does it but the Anglo-Indian nurses in hospitals to-day.

16,520. And yet the Europeans complain that they want European doctors for their wives and children?—I have never supported that idea.

Miss Pickford.

16,521. Just one final question. You have referred also in your examination, Sir Henry, to the services that the Anglo-Indian women had done as nurses during the War. Are Anglo-Indian women recruited as nurses for the British Army in India?—No. During the War when the call came, hundreds of Anglo-Indian nurses were freely enlisted in the British Army and went to all theatres of war; many of them getting honours. The moment the War was over the door was closed and they were demobbed. To-day the rules prevent an Anglo-Indian nurse being employed by the British Army although I was glad to be the means of getting a few of them into the Indian Army—into the Indian Military Nursing Service, a very few of them and on almost half the pay of what the nurses get who belong to the Queen Alexandra Nursing Service.

16,522. You would like to see that service opened to Anglo-Indian women duly qualified?—That is one of the greatest things that this Committee could do for the women of my community, because they know the country, they know the diseases, they know the languages, and they are really born nurses.

Sir Hari Singh Gour.

16,523. Would you exclude Indians from that service?—There is a large field for Indian nurses in the Indian Army.

16,524. Would you exclude Indians from the Queen Alexandra Nursing Service?—No, I would not make any exclusion, but I am talking of the Anglo-Indian community only.

Chairman.] We are very much obliged to you Sir Henry Gidney for having prepared the Memorandum and for having given evidence before us to-day. Thank you very much.

Chairman.] The Committee stands adjourned until 5 o'clock on Monday next.

(The Witness is directed to withdraw.)

Ordered, That this Committee is adjourned to Monday next at Five o'clock.

DIE LUNAE, 13<sup>o</sup> NOVEMBRIS, 1933.

## Present:

Lord Archbishop of Canterbury.  
 Marquess of Salisbury.  
 Marquess of Zetland.  
 Marquess of Linlithgow.  
 Earl of Derby.  
 Earl of Lytton.  
 Earl Peel.  
 Lord Ker (Marquess of Lothian).  
 Lord Irwin.  
 Lord Rankeillour.  
 Lord Hutchison of Montrose.

Major Attlee.  
 Mr. Butler.  
 Major Cadogan.  
 Sir Austen Chamberlain.  
 Sir Reginald Craddock.  
 Mr. Davidson. \*  
 Mr. Isaac Foot.  
 Sir Samuel Hoare.  
 Sir Joseph Nall.  
 Lord Eustace Percy.  
 Miss Pickford.

The following Indian Delegates were also present:—

## INDIAN STATES REPRESENTATIVES.

Mr. Y. Thombare.

## BRITISH INDIAN REPRESENTATIVES

His Highness The Aga Khan.  
 Dr. B. R. Ambedkar.  
 Sir Hubert Carr.  
 Mr. A. H. Ghuznavi.  
 Lieut.-Colonel Sir H. Gidney.  
 Sir Hari Singh Gour.  
 Mr. N. R. Jayaker.

Mr. N. M. Joshi.  
 Sir Abdur Rahim.  
 Sir Phiroze Sethna.  
 Dr Shafa'at Ahmad Khan  
 Sardar Buta Singh.  
 Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Mr. J C. FRENCH and Mr. S. H. H. MILLS are called in and examined as follows.

*Chairman.*

16,525. Mr. French, you entered the Indian Civil Service in 1906; you acted as District Magistrate in various districts in Bengal, including Midapore, Mymensingh and Tipperah; you were a nominated member of the Legislative Assembly from 1929 to 1932, and you retired in April, 1932?—(Mr. French.) Yes, my Lord.

16,526. Mr. Mills, you joined the Indian Police Service in 1914; you were Deputy Commissioner of Police, Special Branch, Calcutta, in 1924-25; in 1925-26 you were Personal Assistant to the Director of the

Intelligence Bureau, Government of India; you were again Deputy Commissioner of Police, Special Branch, Calcutta, 1927-28 and 1930-32; and you retired in February of this year; that is, of this year, 1933?—(Mr. Mills.) Yes, that is correct.

16,527. You gentlemen have each been good enough to prepare a Memorandum of the evidence which you wish to give before the Joint Select Committee. Mr. French, your Memorandum is numbered 89, and, Mr. Mills, yours is numbered 90?—(Mr. French.) Yes. They are as follows:—

## MEMORANDUM 89 BY MR. J. C. FRENCH.

## SERVICE.

I commenced to serve in the Indian Civil Service in December, 1906. Most of this service was spent in the executive branch, and during it I acted as District Magistrate of the following districts in Bengal, Bankura, Barisal, Bogra, Jalpaiguri, Jessore, Khulna, Midnapore, Murshidabad, Mymensingh, Tipperah.

From November, 1928, to January, 1929, I was placed on special duty to write the Bengal Annual Administration Report. From 1929 to 1932 I was a nominated member of the Legislative Assembly. I retired from the Indian Civil Service on April 17th, 1932, and left India on August 6th, 1932, to return to this country.



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[Continued.]

## EVIDENCE.

The maintenance of law and order in India is a matter of vital importance. Responsibility for it rests with the District Magistrate. This has been the case from the very beginning of our Empire in India, and the position remains unchanged to-day.

The reference to this vital question in para. 317, Volume 1 of the Report of the Simon Commission needs amplification. After the words "In effect, therefore, the two officers work together" should come the words "Subject to the Primary responsibility of the District Magistrate." After the final sentence of this paragraph should come the sentence "But should the justice or expediency of the notice afterwards be called in question the responsibility for the answer would rest with the District Magistrate alone."

Police Regulations, Bengal, Volume 1, Chapter III, Rule 27 (a) Page 24, state . . . "As the District Magistrate is ultimately responsible for the criminal administration of the district, he may employ the police as he thinks best for the maintenance of law and order and the detection and suppression of crime."

Sections (d) and (e) of the same rule on Page 25, state . . . "The Superintendent of the Police, as the local head of the police under the District Magistrate, is bound to carry out his orders except in regard to the internal economy, organisation, and discipline of the force, and matters of a purely departmental nature.

(e) Should any difference of opinion on any question relating to the police administration arise between the Superintendent of the Police and the District Magistrate, it is the duty of the Superintendent of the Police to carry out the Magistrate's instructions . . . ."

These rules express both the responsibilities of the District Magistrate and his relations with the police in his district.

In calling attention to these facts I have not the slightest wish to depreciate or belittle the enormous importance in an Indian district of the work of the Superintendent of Police and his men. The Superintendent of Police is entirely responsible for the maintenance, discipline, and training of his police, and with all this the District Magistrate has nothing whatever to do. The credit for the existence of the present magnificent police force of India is due to the officers of that force and to no one else, and

after twenty-five years' experience of that force I cannot pay its officers too high a tribute or express my gratitude to them too strongly.

It is the officers of the Indian Police who provide the District Magistrate with the necessary force to maintain order when the emergency arises. But it is impossible to deny the fact that it is the District Magistrate and the District Magistrate alone who is responsible for the proper employment of the police in the maintenance of law and order whenever a serious menace to them arises. It is obvious that in a situation of a critical or even of a serious character responsibility cannot be left to float between two officials. One, and one only, must be responsible and answerable afterwards for the correctness of the measures taken. In Indian districts this is, and always has been the District Magistrate.

Most District Magistrates with recent experience in India would be able to give concrete examples of the performance of such duties. From my own service I would cite as typical examples the following:—

(1) Measures taken in Mymensingh district in 1921-22 to deal with the Non-Co-operation disturbances.

(2) Measures taken in Bankura district in 1925 to deal with a Mohurram disturbance.

It is essential that the District Magistrate and the police should be under the same authority. Otherwise the District Magistrate will be without effective means for carrying out his duties for the preservation of the public peace. His position will be one of responsibility without power.

I should now like to mention the functions of the District Magistrate in connection with the movements of troops. When troops march by road the District Magistrate has to see that the camping-grounds and the wells are in a fit state for use. In 1927 I had to warn the military authorities against marching troops through Murshidabad district on account of the prevalence of cholera. The District Magistrate is also responsible for the supply of certain provisions and fodder for men and animals. He is responsible for providing the troops with a correct itinerary, and must supply any necessary civil officers to accompany them.

The District Magistrate is the Government's chief source of information about what is happening in his district. He

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[Continued.]

must report by wire any sudden political incident or calamity of a serious character.

I should now like to mention the Intelligence Branch of the police, the branch which deals with political crime in the districts of Bengal. In the evidence offered to the Joint Committee I have seen proposals that the Intelligence Branch of the police could be separated from the ordinary police. This is impossible. The Intelligence Branch is merely an investigating and detective branch and must be able to rely with absolute confidence on the complete and immediate co-operation of the ordinary police force. The word *force* is indeed appropriate. The ordinary police force supplies the power through which the discoveries of the Intelligence Branch produce concrete results.

At various periods of my service I have been brought into contact with the Terrorist movement. I may mention that as a magistrate in 1915, I committed

to the Court of Sessions the Barisal Supplementary Conspiracy Case, and in 1931 I held charge of Midnapore district for two months between Mr. Peddie, murdered by Terrorists, and Mr. Douglas, who met with a similar fate.

The Terrorist movement is a question of vital importance in the political life of Bengal. The aim of the Terrorists is to secure by force the government of the country, and re-establish the ancient Hindu rule. As the British government stands in the way they seek to destroy it.

The question of the maintenance of law and order in India is of primary importance, especially now that the introduction of Parliamentary institutions into that country is under consideration. There is no evidence that Parliamentary institutions will be a success in India. On the contrary, experience of the elective system in Municipalities, District Boards, and the Legislative Assembly, points in the opposite direction. I can give facts in support of this assertion.

#### MEMORANDUM 90 FROM Mr. S. H. H. MILLS, INDIAN POLICE (Retired).

##### INTRODUCTORY.

In submitting this memorandum, I should like at the beginning to make it quite clear that I do not represent any association or other organization, although I believe that a large percentage of the Imperial Police Service in Bengal agree with my views. I fully concur in all the safeguards urged by the Indian Police Association in their memorandum to the Joint Select Committee. I also share the apprehensions of the Association as to the grave risk to the officers of the Indian Police Force, their men and all that they stand for, entailed by the policy of transfer of "Law and Order" (of paragraph 2 of the Representation of the Indian Police Association). At the same time, to quote from the paragraph referred to above, I "am not blind to the advantages of a settlement by agreement which will receive reasonable support in India."

If I uphold, as I do, all the recommendations of the Indian Police Association, it may well be asked as to the object of the present memorandum. This I will outline below. In paragraph 25 of the Representation of the Indian Police Association a brief reference was made to the existence in India of revolutionary organizations, the object of which was to overthrow by violent

means the Government established by law. The Association stressed the point that such conspiracies would undoubtedly continue under the new Constitution as under the old; but they made no suggestions as to how this menace to the tranquillity of India should be countered, nor as to how the Intelligence or Special Branches of the various provincial Criminal Investigation Departments and their personnel were to be safeguarded.

Now Bengal is and has been for nearly three decades the focus of the terrorist conspiracy; and as I have been connected with Intelligence work in that Province almost continually for the past thirteen years, I felt that I might be able to place before the Joint Parliamentary Committee some of the aspects of this complex problem of terrorism, as also some suggestions as to the safeguarding of the Intelligence system and the personnel responsible for working it.

##### HISTORY OF THE TERRORIST MOVEMENT.

Terrorism first appeared in India in the Bombay Presidency as long ago as 1897, being inspired by Balgangadhar Tilak through his paper the "Kesari." It never took very deep root in Bombay, however, but the seed had been well planted and a few years later, about 1905, we find the nucleus of a revolutionary

13<sup>o</sup> Novembris, 1933.]

[Continued.]

organization in Bengal. Here the soil was far more fertile, as intense feelings of bitterness had been aroused among the Hindu community against the Government during the "Anti-Partition" agitation. Two secret organizations were formed about this time, the "Jugantar" and the "Anusilan," and the ardour of recruits was fanned by highly inflammatory articles in various revolutionary organs such as the "Jugantar" and the "Bande Mataram." The avowed object of the two organizations was "to free the country from the foreign yoke," by force.

The Jugantar and the Anusilan revolutionary parties, and in particular the Anusilan, were most strictly organized on the system of water-tight compartments to prevent leakage of information. Initiates had to take the most solemn vows before the goddess Kali, and were threatened with the death penalty if they ever divulged any of the secrets of the party.

The organization rapidly developed and recruits flowed in. To secure funds dacoities (armed robberies) were committed, the victims being mostly villagers. Then the morale of the Intelligence system, which had been built up to counter the menace, must be undermined. To achieve this Indian officers must be assassinated, so as to deter others from entering the department. (It may be mentioned here that although between twenty and thirty Indian officers have lost their lives since the beginning of the campaign the morale of the officers of the Intelligence Department has never broken down, and there have always been volunteers ready to take the places of their murdered comrades.)

With the coming of the war years the terrorist movement increased in virulence and intensity, but the local Government then had a weapon to deal with it, viz., the "Defence of India Act." Large numbers of the more important and active revolutionaries were interned and by 1918 or thereabouts terrorism had been checked. Then came the general amnesty to political prisoners, and for some time there was a lull, although recruitment went on actively during the Non-co-operation movement of 1921-1922, when anti-Government feelings had again been aroused.

By the year 1924 the parties had again been consolidated and reinforced, and a further outbreak of terrorism occurred in an even more acute form. There is little

doubt that this outbreak was largely the outcome of an infamous resolution passed at the sessions of the Bengal Provincial Congress held at Serajganj early in the year, eulogising one Gopi Nath Saha who had recently been executed for murdering a European in Calcutta. This resolution naturally inspired and inflamed the Hindu youth of the Province.

By the autumn of 1924 matters had become serious. Outrages were of constant occurrence, and even when the perpetrators were apprehended the ordinary courts were powerless to deal with them. It was therefore found necessary to promulgate an Ordinance on the lines of the Defence of India Act. This Ordinance was only operative for six months. In the spring of 1925, therefore, the Bengal Government drafted a Bill on similar lines known as the Bengal Criminal Law Amendment Act, and this was eventually certified by the Governor of the Province to remain in force for five years. This provided the Police with the weapon which they had used so effectively on a previous occasion, and during the period 1925-1927 the movement was again brought under control. It is significant that during this period a considerable percentage of the persons incarcerated were terrorists who had previously been interned under the provisions of the Defence of India Act.

By 1927 the situation was so well in hand that Government were able gradually to release the *détenus*, and by 1928 they were all at large again. The Bengal Criminal Law Amendment Act was, however, still in force, and up to the time of its expiry in the spring of 1930 the lull continued, the mere existence of the special powers being sufficient to prevent the commission of outrages. Just as during the period after the Defence of India Act, however, the released revolutionary leaders were not wasting time but were actively organizing and preparing to strike on a far more extensive scale immediately the Act lapsed. Within seventeen days of the expiry of the Act the most startling outrage in the annals of revolutionary crime in India occurred, viz., the Chittagong insurrection.

The magnitude and daring of this exploit not unnaturally sent a thrill through Bengal and facilitated recruitment to the two main revolutionary parties and their subsidiary groups. This raid also marked a new orientation of terrorist policy, viz., the attacking of European officials and non-officials, instead of

13<sup>o</sup> Novembris, 1933.]

[Continued.]

Indian police officers. Since this date eight British officials in Bengal have been assassinated, and four or five wounded. In addition two non-officials have been wounded, and two attempts have been made on the life of the Governor of the Province. Following on the Chittagong raid a further Ordinance was brought into force, giving the police similar powers to those possessed before, and this Ordinance was again embodied in a Bill of limited duration. As on the previous occasion, it was found that quite a large number of those arrested under this Act, had been interned once or twice before under the provisions of the earlier enactments.

#### CONCLUSIONS.

My object in tracing the history of the revolutionary movement in Bengal has been to show how, on each occasion on which the special powers have lapsed, terrorism has broken out in a progressively more menacing and dangerous form; in other words, to show how deep-rooted terrorism really is in Bengal. This is further borne out by the fact that, although something like 2,000 terrorists are at present in internment, outrages continue, hauls of arms, bombs and explosives are made, and the Intelligence Department and its District Intelligence Branches are working at high pressure. The find some two months ago in Calcutta of arms, ammunition, bombs, gelignite and dynamite, incidentally one of the biggest seizures ever made, is most significant, in that one is led to the presumption that an operation on a very large scale was in contemplation. As on previous occasions when the police have been given special powers, the movement has now been brought under control, but from the facts which I have quoted above, it will be seen that it is anything but moribund, and if the 2,000 *détenus*, or a large percentage of them, were released, the situation would be such as the Intelligence Branch could not hope to cope with. Not only this but the morale of the Indian officers of the Intelligence Branch would be severely strained. They have at two previous periods seen the anarchical movement checked as the result of their labours and by the use of special powers, only to be disheartened by the subsequent wholesale release of the internees. On each occasion the Intelligence system has had to be built up again, slowly and painstakingly. If this happens a third time, and they see the Intelligence system again dislocated, some of their agents assassinated and the lives of themselves

and their comrades again jeopardised, is it to be wondered if these fine and loyal Indian officers, of whom I cannot speak too highly, 'become dispirited and their morale suffers?'

The remedy, in my opinion, is to have legislation on the lines of the current Act permanently on the Statute Book. It will be remembered that this was recommended by the Rowlatt Commission. This would show the terrorists that Government really intended to grapple with the situation, and that they would no longer have any respite to enable them to re-organize their forces. As at present the process of graduated detention should continue, leading to release when the attitude of the *détenu* had entirely changed, and he was no longer considered a menace to the public safety.

We now come to what, in my opinion, is an even graver threat to the stability of the Intelligence Department. There are two Congress Parties in Bengal and considerable jealousy and ill-feeling exists between them. Each of these Congress groups is backed by one of the two main revolutionary organizations, which might severally be described as the Left Wing of the Congress. Now the Congress, from an electioneering point of view, is the only organized body in the Province, and may be expected to dominate the elections. It is, therefore, probable that the Congress will have a majority in the Bengal Council when the new Constitution comes into being, and the Governor will, of course, have to appoint his Ministry from that Party. A situation may well arise, therefore, where the Minister responsible for Law and Order is an individual in close touch with one of the terrorist organizations—organizations which wield much power politically. The immediate effect on the Intelligence system of the Province of passing on secret information to such a Minister may easily be imagined; it might well prove to be the death-blow to the whole Intelligence organization. With the exposure of one or two secret agents, the remaining sources of information would feel that they could no longer trust the department with which they worked, and the Intelligence system would gradually collapse. Once having collapsed, it could never be resuscitated. Even now the British officials in the districts are in grave danger and go armed, and accompanied by armed guards. What would be their fate in the above contingency, one trembles to think. At the present time the Intelligence Branch is able to

13<sup>th</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

forestall many outrages by taking timely action against the conspirators. With the Intelligence Branch broken down, the lives of the aforesaid British officials would, however, be in the very gravest danger.

To meet this situation, I would respectfully urge that there be a proviso in the Bill which it is intended to place before Parliament, giving the Governor of a Province power to appoint an extra Minister or adviser from the Indian Civil Service, *if he considers such a course necessary*, to be responsible for all measures taken to deal with terrorism, including the control of the Intelligence and Special Branches. Alternatively the Governor of the particular Province might be empowered to take over the portfolio of terrorism himself, *if he considered this desirable*. I do not profess to be a politician, so I am unable to say which of these alternatives would be the more easily workable.

I would, however, urge that in order to safeguard the lives of British officials in Bengal, and of the officers of the Intelligence Branch, and to maintain the efficiency of the latter department, the above suggestions be given careful consideration.

16,528. Do you desire at this stage to extend these Memoranda by any statement or to make any corrections?—No, my Lord Chairman. (Mr. Mills.) There is one point I should like to make. On page 3 of my Memorandum, in the last line but one, the word "recognised" should read "organised." I should also like to make it clear that Mr. French and I are entirely independent of each other, and that our evidence is not in any way to be taken as though we were working together. We are working entirely separately.

16,529. I understand, however, that it is quite convenient to you that we should hear you together?—Quite so. (Mr. French.) I know Mr. Mills. We have served together in the same district in Bengal.

Dr. Shafa' At Ahmad Khan.

16,530. What was that district?—The district was Mymensingh.

Marquess of Zetland.

16,531: I see, Mr. French, that you lay great stress upon the fact that it would be practically impossible to separate any part of the police from any

other part; in other words, your view is that the whole of the police, including the Intelligence Branch, must be under the orders of one authority?—Yes.

16,532. Now I am not quite clear what the conclusion is that you wish us to draw from what you have said on that point. Is your view, therefore, that the whole of the police should be transferred under the new Constitution to the control of the Ministers, or is your view that the whole of the police should be reserved to the Governor?—My view is that the whole of the police should be reserved to the Governor.

16,533. You would take the whole of the police away from the purview of the Ministers?—Yes.

16,534. But here you yourself lay great stress upon the fact that the police administration of a district is a matter for which the District Magistrate is responsible. Does it not seem probable that if the District Magistrate is given the authority of the Ministers, as, of course, he would be for all special subjects, it would be likely to lead to a good deal of administrative confusion if he were under the orders of a different authority only in so far as his police duties were concerned?—I think the District Magistrate should be under the authority of the Governor and not of the Ministers.

Mr. M. R. Jayaker.

16,535. Every District Magistrate in the Province should be under the authority of the Governor?—Yes.

Marquess of Zetland.

16,536. But, Mr. French, the District Magistrate has a great many duties, has he not, in connection with all sorts of administrative matters? Take, for example, the question of agriculture: the District Magistrate may have a great many duties to perform in connection with the development of agriculture and so on, may he not?—Yes.

16,537. If agriculture is under the control of the Ministry and the District Magistrate is only under the control of the Governor, how is government to be carried out?—It will be difficult.

16,538. I should have thought it would have been impossible?—Yes, it will be impossible.

16,539. So that your view is that the proposed Constitution in the White

13<sup>d</sup> Novembris, 1933 ] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.

Paper cannot possibly work?—Exactly, my Lord.

Marquess of Zetland.] Now I realise your position; I had not quite realised it before.

Earl of Lytton.] Neither will his proposal work.

Marquess of Zetland.

16,540. No; but he would not have any Ministry. May I turn for a moment now to Mr. Mills? Mr. Mills takes the opposite view to the view taken by Mr. French on the question of the control of the police. I understand Mr. Mills's position to be this, that while the general police of the Province might be transferred to the control of Ministers, there are certain departments of the police, namely, the special branch, which should be reserved to the Governor. Is not that your position?—(Mr. Mills.) Either to the Governor of the Province or else to a special Minister or Counsellor to the Governor, if such a course is considered necessary in a particular Province.

16,541. Then your view is that it would be possible to place one branch of the police under a different authority from the rest of the police?—I do not consider it would be unworkable.

16,542. That is all I wanted to know. You think that would be administratively possible?—Yes.

16,543. Very likely it would; I only wanted to know your opinion, because you have had a great deal of experience?—I do not think it would be unworkable. I think it would be better to have them under the same authority

Earl of Lytton.

16,544. When you say it would be possible, are you thinking of a division between the Intelligence Branch and the rest of the police, or are you thinking of a division between the Special Branch which deals with terrorist activities in Bengal and the rest of the Intelligence Branch?—No; I am considering a division between the Intelligence Branch and the Special Branch and the rest of the police.

16,545. You would leave the Intelligence Branch, that is to say the Criminal Investigation Department in general matters, with the general police force, and you would separate that department which is known as the Special Branch which deals with terrorist activities: is that what you mean?—Perhaps

I might make clear what the difference between the Intelligence Branch and the Special Branch is in Bengal.

16,546 If you please?—The Intelligence Branch deals with terrorism in the Province of Bengal; and the Special Branch is the Intelligence Branch of the Calcutta Police; i.e., it deals with terrorism in Calcutta.

Sir Phiroze Sethna.

16,547. You mean Calcutta City?—Yes, Calcutta City.

Earl of Lytton

16,548 The Intelligence Branch deals with much more than terrorist activities, does it not; it is the detective side of the whole police force?—No, the Intelligence Branch deals solely with terrorist activities.

Marquess of Zetland.

16,549. I was going to ask the Witness a question to make that clear, because I think it is quite possible that the Committee may be a little confused by these different terms. In Bengal, as the Witness has explained, the branch of the police which deals with the terrorist movement was divided into two parts; one part which dealt with the terrorist movement in the Mofussil; that is to say, the country districts; and the other branch which dealt with it in Calcutta, that is to say, a special small branch attached to the Calcutta police; and those two branches which are described by Mr. Mills in his Memorandum as the Intelligence Branch and the Special Branch are both really two departments dealing with the same activities, namely, the terrorist activities?—Yes.

16,550. And they are distinct from the Criminal Investigation Department, which deals with crime throughout the Province as a whole. That is clear, is it not?—Yes.

Lieut.-Colonel Sir H. Gidney.

16,551. My Lord Chairman, if Lord Zetland will allow me to interrupt just to clear up this one point at the moment, in answer to Lord Zetland, Mr. Mills, you said that the terrorist movement in Calcutta was dealt with by a special branch of the Calcutta police?—Yes.

16,552. Am I to understand that the Calcutta police is different from the Bengal Government Police?—Yes, it is a separate cadre.



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Lieut.-Colonel Sir H. *Gidney*.] It is a special police department; it is distinct from the police as we think of them as an Imperial service of the police.

Marquess of *Zetland*.] It is the Calcutta Police Force under the control of the Commissioner of Police in Calcutta.

Lt.-Col. Sir H. *Gidney*.] That is right.

Marquess of *Zetland*.

16,553. There was one other question I wanted to ask Mr. Mills. I see, Mr. Mills, that you tell us that the Congress is by far the most powerful political force in Bengal?—Yes.

16,554. And you say that they will dominate the elections?—Yes.

16,555. That being so, they will dominate the Legislative Council of the future and the Governor will be bound to send for the leader of the Congress Party to form his Ministry. Now have you considered the proposed composition of the Bengal Legislative Council?—Yes, I have seen it.

16,556. It will consist of 250 members, will it not?—Yes.

16,557. 119 of the 250 members will be Muslims?—Yes.

16,558. The question I want to ask you is this: Do you include any Muslims in the Bengal Congress Party?—I think it is quite possible that there may be some who are members of the Congress Party under the new Council.

Dr. *Shafa' at Ahmad Khan*.

16,559. What proportion?—It is difficult to say what proportion. I should think perhaps 5 or 10 per cent.

Marquess of *Zetland*.

16,560. Anyway, your view is that a small proportion of Muslims may be members of the Congress?—Yes.

16,561. Then there will be 25 Europeans; you would not include them among the Congress Party, I suppose?—No.

16,562. There will be four Anglo-Indians. Would you include them among the Congress?—No.

16,563. There will be 30 seats reserved for the Depressed Classes. Now, generally speaking, would you say the Depressed Classes would be found in the ranks of the Congress?—I think the majority would.

16,564. 20 out of 30?—Perhaps 25 even.

16,565. 25 out of 30 of the Depressed Classes will be found in the ranks of the Congress?—I think so, in Bengal.

16,566. Even so, if you add up those figures I think you will find that the Congress must necessarily be in a considerable minority in the Bengal Legislature of the future, and that being so I do not quite understand the force of your contention that the Congress will be bound to dominate the Legislature and therefore the Governor will be obliged to form his Ministry from the Congress Party? I think it will be a very close thing as to whether the Congress is in a minority or not. I think they may very well be just in a majority.

16,567. You think they may?—I think they may. If one takes the figures, I think it is quite possible that they may, assuming that there are some Congress Mohammedans.

16,568. I have been taking the figures, and I cannot add them up to make a majority or anything like a majority. You said 5 per cent, or possibly 10 per cent. of the Muslims?—Yes, possibly 10 per cent. That would be, say, 10 or 11 Muslims and 80 Hindus.

16,569. No, not 80 Hindus. You have got out of that 80, 30 for the Depressed Classes?—Yes.

16,570. You think that 25 out of 30 might be Congress people?—Yes. That is 25 plus 11, that is 36; and then there will be 50 Hindus.

16,571. Will they all be Congress?—I think every one of them will be.

Sir *Phiroze Sethna*.

16,572. Is that so to-day? Are all the Hindus to-day members of the Congress?—No, they are not, but as soon as this new Constitution comes in there will be no Moderates left at all.

Marquess of *Zetland*.

16,573. Supposing that the whole of the Hindus are members of the Congress Party, that will bring your figure up to 86?—86.

16,574. Twenty-five Depressed Classes, 11 Muslims, and 50 Hindus; that is 86?—Yes; and then there are one or two others; there are the Labour members.

16,575. How many Labour members do you think will be members of the Congress?—I should think the majority of them would be.

Mr. *N. M. Joshi*.] They would be half Muslim members.

Marquess of *Zetland*.

16,576. How many Labour members are there to be?—Possibly eight.



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16,577. Supposing now that the whole of the Labour Party are also members of the Congress—it seems to me a rather improbable proposition, but let us assume you are correct. that still brings your number only up to 92<sup>o</sup>—Ninety-four.

16,578. Out of 250?—Yes. But then one has also got to consider that with the Congress dominating, as it does, politics in Bengal, more Muslims will come under the Congress flag.

Sir Phiroze Sethna.

16,579. You mean that that 10 per cent. would increase?—Definitely.

16,580. To what?—It might increase to 20 or 30 per cent.

Marquess of Zetland.

16,581. I now realise your position. Of course, if you think the Congress is going to be so powerful that it is going to rope in Muslims, Labour (Indian Christians I am not sure about), the Depressed Classes and all the Hindus, then, of course, I agree that probably the Congress will be the majority party?—I have already said that the Congress is the only organised Party, and it carries immense power in Bengal.

Lord Middleton.

16,582. In your Memorandum here you have traced the rise and fall of the terrorist Movement, and I imagine you would feel anxious about any further amnesty if it were granted a little later on, when the reforms come in. Is that so?—Yes, I should regard it with the gravest misgivings.

16,583. I do not know whether you can answer this question, but, at the present moment, in the Force with which you had latterly to deal in India, do you think there is any anxiety in that respect?—I think all the officers, Indian and European, of the Intelligence Branch and Special Branch have also the gravest fears of what will happen when the new Constitution comes in.

16,584. Do you mean any lack of firmness in handling this matter?—I mean as to any lack of firmness in handling this Terrorist menace.

Mr. M. R. Jayaker.

16,585. As a result of the amnesty, or as a result of the new Constitution coming into force?—As a result of the amnesty because on two previous occasions, as I have said in my Memorandum, the Terrorists have been released, and all the work which these officers have put

in has been brought to nothing, and the Terrorist Movement has merely broken out again with renewed vehemence.

Lord Middleton.

16,586. In your Memorandum you make use of the expression "graduated detention" Could you kindly explain what you mean by "graduated detention"?—Under these ordinances which we have had in force in the Province, détenus, or the persons arrested, are classified in different grades of detention. They may be kept in jail, if they are of the very dangerous type; those not quite so dangerous are put in what is called foreign domicile, that is to say, they are interned in a village away from their homes. Those who are considered less dangerous than the above are interned in their homes. Police officers are constantly interviewing these détenus, and, if it is found that the attitude of any of them is changing after passing through these processes of detention, they are released.

16,587. Are you satisfied that the system of internment is a good one?—No; I am profoundly dissatisfied with the way the system is administered.

16,588. Why?—Because I consider that you will never deal with Terrorism in Bengal unless you put something like 150 or 200 of the leaders of the Terrorist Movement right outside India. My reason for saying that is that I know that practically every one of the outrages on British officials in Bengal has been plotted from inside the internment camps.

16,589. Will you turn again to your Memorandum a little farther on. From what you say there it would rather appear that you hint at a connection between the Terrorists and Congress. Would you like to amplify that?—The Terrorists for about the past 15 or 20 years have practically dominated the Congress in Bengal. I can mention two instances to show this. In 1924 the Bengal Provincial Congress was held at a place called Serajganj. Mr. C. R. Das, who was a far-sighted man, was very anxious to have a resolution passed in favour of Hindu-Muslim unity, but the Terrorist Delegates to the Congress refused to vote for this Resolution, unless a Resolution was also put extolling one Gopi Nath Saha who had assassinated a European in Calcutta, Mr. Day. Mr. C. R. Das realised that he would

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

not get his resolution through unless he supported theirs, and so this infamous resolution was duly put and passed.

His Highness the *Aga Khan*.

16,590. Was it carried?—Yes, it was carried. To quote one more example.—At the Bengal Provincial Congress meeting at Faridpur in 1925, the same Congress leader, Mr. C. R. Das, realised that the Terrorists in the Congress were getting too strong for him, and were dictating his policy, so he decided to throw them over once for all. He therefore drafted a resolution condemning Terrorism at this Congress. This resolution was defeated. That was the end of Mr. C. R. Das's political career. He was a broken man, and died about two or three months later.

Lord Middleton.

16,591. Mr. French, may I turn to the last part of your Memorandum where you say "There is no evidence that Parliamentary Institutions will be a success in India." Have you made any study of the development of democratic Government in Eastern countries?—(Mr. French.) I have been in Afghanistan through the Khyber Pass to Kabul and the Ak Pass in the Hindu Kush, and from Kandahar to Gerishk and Farah to Herat. I have been in Katmandhu in Nepal; I have been in Thibet, as far as Garantse. I have also been in Palestine, Syria and Iraq. In those countries I see no chance of Parliamentary Institutions being a success.

16,592. Why?—In Afghanistan the whole system of Government is a Military autocracy, and it suits the people, and nobody wants anything else. In Katmandhu it is a military autocracy, and also suits the people. In Thibet it is the theocracy of the Dalai Lama, but that rests on military force as well, and that seems to suit the Thibetans. In Syria there is a façade of Parliamentary Institutions. It is said that it is maintained to satisfy the League of Nations, but there is no real election. The people elect whom they are told to elect. In Iraq it is just the same. The people elect as they are told by the local officials.

Mr. M. R. Jayaker.

16,593. You make no distinction between India under British rule for one hundred years and these countries which you have mentioned?—I make a

distinction, but if one wishes to envisage what is going to happen in one oriental country, it is fair to look at the others as well.

16,594. I suppose your contention is that there is something peculiar in the Oriental mind which prevents it from getting used to Parliamentary Institutions?—It is not only the Oriental mind. It is also the Italian mind and the German mind.

16,595. In fact, every mind except the British, I suppose? You would draw the line there?—I would not go as far as that. That requires careful consideration.

Sardar Buta Singh.

16,596. What about Japan?—In Japan I am told two years ago there was a Cabinet which had a minority in the Japanese Parliament, and that relied on the support of the Emperor and the Army, and the Aristocratic Party.

Mr. M. R. Jayaker.

16,597. What is your prescription for the Government of these countries which you have mentioned—autocracy?—I would not say an autocracy exactly. A strong Government with a Council for advice.

Mr. Zafrulla Khan.] The Council to be composed of the British?

Marquess of Salisbury.] Do not you think we had better have the questions in proper order?

Lord Middleton.

16,598. I have only one more question. In regard to municipalities, Mr. French, you do not seem to think a great deal of the elective system in municipalities. Can you give any reasons why you deprecate them?—Yes, I should like, first of all, to point to a resolution of the Government of Bengal in the Report of 1930-31. It is the 16th paragraph and the report notes that the system of assessment in the municipalities of Bengal has not succeeded, and it goes on to say: "Where self taxation fails, self-government fails." I would just like to call attention to that resolution. Then I should like to give a few practical experiences of municipal administration in Bengal from one who has lived in these municipalities.

16,599. That being yourself?—Myself; because, after all, the test of whether an Institution really succeeds is whether

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

it performs the functions for which it is constituted. I would, first of all, say that the inefficiency of elected Indian municipalities in Bengal has always been a commonplace all through my service. Everyone has accepted it in private conversation as a commonplace. Now for my practical examples. In municipalities under an elected Chairman and elected members in Bengal the roads are bad and full of holes; the drainage is bad, and there are pools and quagmires in the rains. As an example of the way they manage their roads, I will give an example from Vishnupur municipality in the Bancura district. In 1925 I was inspecting that municipality, and a number of ratepayers came to me and said they wanted me urgently to see something. I went along and found the municipality proposed to turn the lane on which their houses stood into a drain for carrying away water. The resolution had been passed, but I made the municipality withdraw it by threatening to use my special powers. The second point I would make is that in most municipalities the water supply is bad. When they have waterworks the waterworks are not well run, and bad water is conveyed to the ratepayers. I should like to give an example from Barisal in 1915. I was out on a launch, and after we had been 24 hours out the men's cook fell ill of cholera and died in the night. We went straight back to Barisal. On the voyage back two more men went down and died. The water they had been drinking on the launch was that from the Barisal municipal water supply. About that time the Assistant Sanitary Commissioner tested the water, and he found there were cholera germs in it. He said that people would do better to drink from the river than from the Barisal municipal water. There were Government reports referring to the Barisal Municipal Water. The Report of the Sanitary Engineer for 1915, page 32, says: "The water at Barisal was not always satisfactory." The Sanitary Commissioners' Report, page 11, says: "The cholera rate was high in Bakarganj district." In the Bengal Government's Report on the working of municipalities in Bengal 1914-15, page 9, the management of the Barisal Municipality was not well spoken of.

Dr. B. R. Ambedkar.

16,600. Do you wish to suggest that there has been no improvement since 1914 up to 1933?—None.

Major C. R. Attlee

16,601. In 1914 was not the District Officer the Chairman of the Council?—No; there was an elected Chairman. The District Officer ceased to be Chairman in 1912.

Mr. Zafrulla Khan.

16,602. Was local self-government reserved in this respect or not?—The municipalities had got freedom of local administration.

Sardar Buta Singh.

16,603. What about special powers of the District Magistrates. Had not they powers to interfere?—The special powers of the District Magistrate were to intervene if the municipalities did anything which was dangerous to public health or public security—a special administrative power. I should also like to call attention to the supersession of the Calcutta Municipality; that is the leading municipality in India and has been in existence for a very long time.

Sir Phiroze Sethna.

16,604. Question?—There has been a Calcutta Corporation for a very long time. I should have used the word "Corporation" instead of "Municipality." I saw this in the Press. On the 8th August, a Bill was introduced into the Bengal Legislature by Sir Bijoy Prasad Singh Roy to supersede the municipality, to suspend it, and he gave a number of reasons. That was this year.

Mr. A. H. Ghuznavi.

16,605. Not to supersede it?—To suspend it. The reasons which he gave were almost every reason for which a corporation could be suspended. On the 5th September this year the Bill was passed by 67 votes to 16 in the Bengal Legislative Council, and the Council had no option except to suspend the Calcutta Corporation because it had gone bankrupt. I may submit that this honourable Joint Committee can get all the papers about this just by sending a telegram to Bengal. They can all come by air mail in less than a fortnight. You can get the Government investigation, you can get the debate in the Bengal Council, and you can get the Bill superseding it; and this Calcutta Corporation, I submit, is the leading municipal body in the whole of India.

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Marquess of Salisbury.

16,606. Mr. French, you took over duty in Midnapore, did not you, after Mr. Peddie had been murdered and before Mr. Douglas was murdered—between the two, was it not?—Yes, my Lord.

16,607. And naturally you have a very strong feeling about terrorism. You have great experience, of course, of the duties of a District Magistrate, and you realise that it is part of the duty of a District Magistrate to be primarily responsible for law and order?—Yes, my Lord.

16,608. As the District Magistrate, it was your business primarily to look after law and order?—Yes.

16,609. The obligation, that is to say, is not on the Police in the first instance, but on the District Magistrate?—The District Magistrate maintains law and order through the medium of the Police.

16,610. He is responsible for giving the order?—He is responsible.

16,611. And, therefore, without going into the question of what system ought to be substituted for it, there is a great difficulty if the District Magistrate is under one authority and the Police is under another authority?—It would be an impossible situation.

16,612. We need not use strong adjectives, but there would be a very great difficulty indeed?—Yes.

Marquess of Salisbury.

16,613. You left India quite a short time ago, Mr. French?—I left India on the 6th August last year.

16,614. Therefore, it is not a question of out-of-date knowledge; your knowledge is all up to date?—Yes.

16,615. You pointed out the difficulty of the District Magistrate and the Police being under a different authority. You also feel a difficulty if the Intelligence Department and the ordinary Police are under a different authority?—I cannot see how the Intelligence Department can function if it is under a different authority from that of the ordinary Police.

16,616. Let me ask a few questions, if I may, of Mr. Mills. You have only recently returned from India also?—(Mr. Mills.) Yes.

16,617. You have had 13 years' experience there?—More than 13 years in

India—but 13 years off and on in Intelligence work.

16,618. Will you tell the Committee what the 13 years' experience was?—Almost entirely in Intelligence Branch work.

16,619. I do not want you to speak of Police Officers on the active list, but of Police Officers recently retired: so far as you know the views you express are those of the Police Officers?—Yes, I think they are.

16,620. Of course, you cannot speak with any certainty, but that is your opinion?—Of those whom I have met.

Sir Samuel Hoare.

16,621. I am very sorry to interrupt, but I want to be quite clear what the answer actually covered. Were you speaking of Police Officers from the whole of India or from Bengal?—Police Officers from Bengal.

Marquess of Salisbury.

16,622. I beg your pardon: I ought to have made that clear. I see you say in your evidence, in saying that you support the Police witnesses who have already appeared before the Committee, that you specially support their view that even if there was a change of the Constitution in India, the terrorist conspiracy would continue?—Undoubtedly.

16,623. That is your view?—Yes because at the present time, if they can assassinate one European official, another one takes his place, but under the new Constitution there would be fewer and fewer British officials; therefore, assassinate the lot.

16,624. You have already told my noble friend that in the absence of special powers you are confident from experience that there will be a recrudescence of crime?—Undoubtedly, because terrorism is so deeply rooted in the Province.

16,625. I think you say that since the Chittagong outrage there has been the murder of eight British officials; is not that so?—Yes: eight British officials.

16,626. I want you to tell the Committee, if you will, have you had experience in Midnapore itself?—No, I have never been there.

16,627. But in Bengal generally?—Yes.

16,628. Perhaps I might ask Mr. French this. In Midnapore, what is the condition of public opinion with respect to the terrorists? Are they in sympathy

13<sup>o</sup> *Novembris*, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [*Continued.*]

with it, or how far is public opinion in sympathy with the terrorists?—(Mr. French.) I think that the sentiment of public opinion to the terrorists is mainly one of fear. There is a certain sneaking sympathy with the terrorists among a section of the Hindu Bhadrals as representing a national movement, but the main attitude to the terrorists is fear.

16,629. What goes on. Is there a sort of propaganda in favour of the objectives of terrorism?—A very strong propaganda.

16,630. What form does it take?—It takes the form of getting hold of students and schoolboys.

16,631. Especially the young?—Yes, especially the young.

16,632. At schools?—At schools—getting them in when they are school-boys or students.

16,633. Does it extend further than boys, does it extend to girls as well?—The girl movement has taken place rather after I left Midnapore. That is a rather recent phase. I am more acquainted with the efforts to get hold of the boys.

16,634. May I go back for a moment to Mr. Mills? You make certain recommendations to the Committee. Am I accurate in saying that you think that the exceptional powers should be made permanent?—(Mr. Mills.) Yes, my Lord.

16,635. You think that very important, do you?—I think it is most important.

16,636. Would you like to add anything to that, as to your reasons for that?—I think it is most important because on every occasion when there are special powers in force outrages continue for a short time, then there is a lull and the organizations merely wait until the day when the special powers lapse, when terrorism again breaks out.

Lord *Eustace Percy*.] Will Lord Salisbury allow me to put a question?

Marquess of *Salisbury*.] If you please.

Lord *Eustace Percy*.

16,637. When you say special powers in that connection, you mean special temporary legislation by ordinance?—Yes.

16,638. And when you say make those powers permanent you mean make them statutory?—I mean make them statutory so that the Police always have a weapon in hand to hold over the heads of the terrorists.

Sir *Samuel Hoare*.

16,639. Do you not mean something more than that? You mean the permanence not only of ordinances but the permanence of temporary legislation as well?—I meant something really on the lines of the Rowlatt Act.

Marquess of *Salisbury*.

16,640. You are obliged to regard this question as to what would happen if the police were transferred to the control of a responsible Minister. That is what you have to envisage, is it not?—Yes, and also the possible release of these 2,000 terrorists who are now shut up.

16,641. You have answered that in your last answer. As regards the transfer of police to responsible Ministers, I am not speaking of India generally but in Bengal. Will you say why you think that it would be dangerous if the Intelligence Branch of the Police were transferred to responsible Ministers?—It would be eminently dangerous in this way. At present a mass of secret information is passed on daily to the Police Member. Under the new Constitution the Police Member would be the Minister responsible for Law and Order.

16,642. When you say secret information, what character of secret information do you mean?—Information from secret agents with regard to the activities of the terrorists.

16,643. Using names, of course?—No, the names of the agents are never given.

16,644. Those are always kept secret?—They go under pseudonyms.

16,645. You are afraid of the consequences if the secret information were given to the responsible Ministers, are you?—Yes, because if your responsible Minister were a Member of the Congress Party and therefore connected with the terrorist party, it would only be a matter of two or three days before by a process of elimination, we spotted who your agent or agents were. If you had one or two agents assassinated no more agents would ever give you any more information because they would not trust you; and this would mean that your intelligence system would not only break down, but you would never in any circumstances build it up again. If it once collapsed it would be gone for ever.

16,646. And so you say that would be the death-blow of the Intelligence Department—I think that is the phrase you use in your *Précis of Evidence*?—A final death blow.

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16,647. It would bring it to an end?—Yes.

Lord *Hutchison of Montrose*.

16,648. May I just ask one question on that point? In your experience in the police have you ever passed on the name of an agent to anyone?—No. The only circumstances in which we have passed on the name of an agent have been as follows. Under these ordinances two judges are appointed to review the case of every *détenu* who is interned and sometimes they ask us privately if we will tell them the name of an agent, and we tell them privately; otherwise it is never passed on to anybody.

Marquess of *Salisbury*.

16,649. However, the point is that if the secret information were conveyed to the Minister there would be great risk that the source of information would dry up?—I consider that in whatever form it was passed on there would be the gravest risk of agents being exposed.

16,650. Finally you suggest to the Joint Select Committee that there ought to be a nominated Minister; a Minister, that is to say, not responsible in respect of Law and Order?—I have merely offered it as a possible solution, because it is a very difficult problem.

16,651. I am not suggesting that that is the proper solution of the problem. I am putting the questions so that the Committee shall understand what your views are—not what my views are?—Exactly. (Mr. *French*.) Mr. Mills has reminded me that I should make an addition to my reply to Lord Salisbury as to the method by which terrorists are recruited. May I do so?

*Chairman*.

16,652. Certainly?—If this honourable Joint Select Committee sends for the papers of the reasons why the Calcutta Corporation has been suspended, they will find among them that the Calcutta Corporation employ terrorists in their Education Department as schoolmasters.

Sir *Phiroze Sethna*.] The Corporation has not been suspended.

Lord *Rankeillour*.

16,653. Mr. Mills, I want just to ask you for a moment, apart from the Special Intelligence Branch and apart from any special emergency, about the ordinary

police. Do you think the changes proposed will affect their discipline and organisation?—(Mr. *Mills*.) Yes. I think that the discipline of the police will gradually become worse.

16,654. How do you think that will come about?—It will come about in various ways. I think it is mentioned in the Memorandum of the Indian Police Association—the gradual way in which it will come about. I can quote one possibility. At present in the Indian Police Force, a mixed force of Hindus and Muhammadans, under British leadership, will deal quite impartially with any body of communal rioters, either Hindu or Muhammadan. But let us visualise a situation where, we will say, there is a Hindu Minister, and a force the majority of which is Muhammadans is taken out to deal with Hindu rioters. Supposing they have to fire on them, the Hindu community will at once—at least one could imagine they would—run to their Minister and the Superintendent of Police, or the Commissioner of Police would be asked to explain why these Hindu rioters were fired on. One could see that Muhammadans would begin to think twice before they took any action against Hindu rioters, or even before they joined the police force if there was a chance of their being let down in that way. I may say that it applies *pari passu* to Hindus. I just mention Muhammadans for the sake of argument. It would apply to both communities, I think.

16,654A. You think there would be a feeling that they would not necessarily be supported in their action at the top?—Yes.

16,655. I am not sure in which Memorandum it is, but I think it is said that the terrorist movement in Bengal gained strength over a grievance of the Hindu community with regard to the question of the union or separation of Bengal. Is not that so?—Yes.

16,656. If the same community thought they had a new grievance might the effect be the same as before?—I think it is highly probable.

16,657. It might drive those people who were naturally law-abiding into sympathy with disorder?—Yes.

16,658. Now I should just like to ask Mr. French this. I think he dealt with the question of the District Magistrates. Is it the duty of the senior officer of police who is present in any emergency to obey the District Magistrate without

13<sup>d</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

any further reference or objection?—(Mr. French.) Yes, that is clearly laid down in Police Regulations, Bengal. When the District Magistrate is present the duty of the Superintendent of Police is to offer sound advice. If he offers it and the District Magistrate disregards it the responsibility is with the District Magistrate.

16,659. Do you think there is any danger of general instructions being issued at Provincial Headquarters which might conflict with and limit the discretion of the District Magistrate and the senior officer on the spot?—Excuse me. does that question mean removing the responsibility from the District Magistrate?

16,660. The sort of idea I had was this. Supposing a District Magistrate gave an order to the senior officer of police who was there present, do you see any danger that that officer might say, "This is contrary to my general instructions, and I cannot obey it"?—Not unless the present instructions are changed; the present instructions are absolutely clear.

16,661. And those instructions are laid down by the Provincial Government?—They are in Police Regulations, Bengal. I think the paragraph is 27, and it is quoted in my Memorandum.

16,662. Now with regard to the District Magistrate it has been mentioned that he has other functions. Would it be possible to redistribute the functions of the Provincial organisation so as to relieve him of these other functions?—To relieve him of functions with regard to Law and Order?

16,663. You can put it either way: either to relieve him of those functions or to confine him and to give someone else those functions?—If his functions are taken away, his efficiency for maintaining Law and Order would be reduced. The fact that he is in charge of many Departments assists him in maintaining Law and Order indirectly.

16,664. But you see it is obviously a difficulty if he has other functions than the maintenance of Law and Order and he had to obey someone else; he might have to be serving two masters?—Yes.

16,665. You cannot on the spur of the moment suggest a way out of that difficulty?—No, I cannot.

16,666. Do you think it would be possible for a permanent law to apply to Bengal alone and not to the other Provinces?—I should say that would create very great ill feeling, if you

treated one Province differently from another.

16,667. Would you apply the Bengal system to other Provinces then?—The Bengal system of the District Magistrate being responsible for Law and Order?

16,668. No, I mean the special ordinances and legislation with regard to Bengal?—Do you mean apply that all over India?

16,669. No, I do not suggest that, but I did not know whether you would, in answer to my former question, think it was possible to do so?—The question is whether I should be in favour of extending the Bengal ordinances all over India?

16,670. Yes?—Yes

16,671. But once and from the first, or only when some necessity arose?—I think I should do it as a precautionary measure, yes.

16,672. From the first?—From the first.

16,673. You would not merely make the system adoptive and apply it when necessary?—I would not wait until a lot of murders had been committed before applying it. I think prevention is better than cure

Major Cadogan

16,674. My Lord Chairman, I should like to ask Mr. Mills a question on his recommendations which appear in the penultimate paragraph of his Memorandum. You urge in that paragraph, Mr. Mills, that there should be a provision in the Statute giving the Governor of a Province power to appoint an extra Minister or Adviser from the Indian Civil Service, to be responsible for all measures relating to terrorism. Take your first alternative, the Minister have you thought what his status would be *vis-a-vis* the Legislature? Presumably, according to you, he would be in no way responsible to the Legislature. Would he be in the position of an Executive Counsellor or not?—(Mr. Mills.) He would be an Executive Counsellor responsible to the Governor.

16,675. Just a creature of the Government?—Yes. I admit that his position on the Executive Council would be a difficult one with Ministers of a persuasion different from his own. I can envisage that there are difficulties in this suggestion, but all that I have done is to put forward a proposal in order to protect British officials in the Province and to maintain the Intelligence Department intact.

16,676. Then I want to ask a question with regard to the nature of the Terror-



13<sup>o</sup> Novembris, 1933 ] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.

ist Movement. Mr. French has already supplemented what he has said in his Memorandum, namely, that it was a Movement to re-establish the ancient Hindu rule, by telling us that other extreme Movements were tacked on to it. I want to ask Mr. Mills whether he corroborates that view of Mr. French's?—(Mr. French.) Excuse me. Did you say other extreme Movements?

16,677. I thought he said that, apart from the aim of re-establishing the ancient Hindu rule, other extreme Movements are tacked on to it?—Can you point to the lines in my Memorandum which say that?

16,678. No. The paragraph I am referring to is: "The Terrorist Movement is a question of vital importance in the political life of Bengal. The aim of the Terrorists is to secure by force the Government of the country, and re-establish the ancient Hindu rule. As the British Government stands in the way they seek to destroy it." I am asking Mr. Mills whether he corroborates that?—(Mr. French.) But pardon me; I am not aware that I said there were other extreme Movements.

16,679. I misunderstood you?—Not a word of it.

16,680. It is simply and solely, in your view, a Movement to re-establish the ancient Hindu rule?—That is my view.

16,681. What do you mean by the ancient Hindu rule?—The rule in India before the Muhammadans invaded the country; that is the ancient Hindu rule and that is the ideal of the Hindus.

16,682. I pass from that question. I want to ask one other of Mr. Mills. Has your experience been too much confined to one Province to be able to tell the Committee what chances or what dangers there are of the Terrorist Movement spreading to other Provinces where at present it is not conspicuous?—(Mr. Mills.) I have had some experience in the Central Intelligence Bureau in the Government of India. The position roughly is that the Terrorist Movement until very recently has been entirely confined to Northern India, with its focus in Bengal; but in 1925, when the ordinance was brought into force in Bengal and action was taken under it by the police, the more violent elements of the Terrorist Movement started organising outside Bengal where there was no special legislation to hinder them, and we found the focus of violent activity shifting to the United Provinces, though the organising brains behind it were Bengal. It then

moved on to the Punjab and to Bihar and Orissa.

16,683. Did you come to the conclusion that there is a branch of it spreading into Provinces where at present it is not conspicuous?—Yes, I consider there is a danger of it spreading there. In fact the nucleus of it is still present in those Provinces. You asked me one question and then you turned to Mr. French.

16,684. I beg your pardon?—Might I just give my reply to it? You asked me in connection with a paragraph of his memorandum as to the object of the Terrorists.

16,685. Yes?—In my experience in talking to many terrorists, their object is to gain complete independence, they are not going to be satisfied with any half-way measures, and their scheme to gain independence is largely this, I think (mind you, this is the result of my talks with terrorists). They realise that they cannot drive the British out of India because they do not possess machine guns and aeroplanes or other means to do it, but I should like to quote from a Terrorist pamphlet which was widely circulated and the author of which was one of the cleverest and most prominent terrorists we have ever had to indicate the lines of revolutionary policy.

Mr. A. H. Ghuznavi.

16,686. What was his name?—Sachindra Nath Sanyal, and the pamphlet was called "The Revolutionary." It was circulated in 1925-26. I cannot say these are his exact words, but they are approximately his words. He said: "The British Government can never be cajoled into giving concessions, but it can be dragooned." I think one can see that that is their policy. You find a bomb thrown in the Assembly. The bomb bursts. Nobody is injured particularly.

Lieut.-Colonel Sir H. Gidney.

16,687. They have been injured?—But no great damage is done. It was merely a spectacular outrage in order to attract public opinion. The policy is, by sporadic outrages and intimidation, to make it so uncomfortable that the British no longer wish to remain in the country, and to influence public opinion in this country.

Sir Reginald Craddock.

16,688. Mr. French, in answer to Lord Zetland, you made some observations about a District Magistrate and the difficulty he would experience if, in respect

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

to law and order, it was under the reserved side and others of his duties were under the transferred side, under Ministers?—(Mr. French.) Yes.

16,689. But you have not laid stress, I think, on the fact that every District Magistrate in India is also the collector or Deputy Commissioner in certain Provinces, as he is called, and he has a variety of duties there. A great many of them are in connection with revenues. Is not that the case?—Yes.

16,690. Of course, it is rather less so in Bengal than in the Provinces, where there is no permanent settlement?—Yes.

16,691. You do not keep up a land record staff, for example? As a matter of fact, these things you have mentioned exist already under the present Constitution. For instance, it is the case, is it not, that a Deputy Commissioner or Collector—I prefer to call him that now because I am looking at that aspect of his duties—is entrusted not only with certain supervision of local self-government which falls within the portfolio of the Minister, but he also has to take an interest, as Lord Zetland said, in agriculture, in education, in public health, and so forth, and in all these things he corresponds through his Commissioner with the local government, which, since the Montagu Reforms in those branches, are Ministers. You do not suggest, at all events, that all these Departments should be taken away from Ministers, do you? That was not the meaning of what you were suggesting, I understand. You were only pointing out the difficulties of dual control, but you were not suggesting that the progress made under the Montagu Reforms should all be wiped out, were you?—Yes.

Sir Samuel Hoare.

16,692. I am not quite sure of the exact bearing of that answer. Mr. French would approve of the repeal of the 1919 Act; is that so?—Yes. I should go forward to a strong Executive with Councils only for advice.

Marquess of Zetland.

16,693. I must say I thought Mr. French's answer to me was quite clear. He wishes to abolish the Ministers altogether. Is not that so?—Yes.

Sir Reginald Craddock.

16,694. I was not quite sure of that. I thought he had not given sufficient attention to the work of the Collector. I know from personal knowledge that these miscellaneous things very often take

up more time than the District Magistrate's work as District Magistrate. Now I would like to ask Mr. Mills a question. You have referred to the spread of terrorism to other parts of India?—(Mr. Mills.) Yes.

16,695. There have been some instances of it in the past—in Bombay and Madras, have there not?—I think Madras has only come to notice in the past three or four months; otherwise, it has been entirely free from terrorism.

16,696. Perhaps it was before you were out in India when Mr. Ashe was murdered?—Yes it was.

16,697. And there was the whole of the Sawarkar Conspiracy in Nasik?—Yes. Of course, the Terrorist Movement began in Bombay.

16,698. There was a Nasik Conspiracy case which was of great importance; in fact, it went back earlier to the time of the Chapekar and Poona murders. But at all events where you do see instances of it spreading from the focus of Bengal, as you have said, is in Northern India?—Yes.

16,699. Which includes practically everything, except Bombay and Madras, does it not? When you say Northern India, you mean all India from Bengal northwards?—I mean excluding the Deccan and Madras.

16,700. I say the Bombay Presidency and the Madras Presidency?—Yes.

16,701. In fact, the whole Bengal Presidency?—Yes, the old Bengal Presidency.

16,702. There is another point on which I want to ask you a question. Your idea is that the ordinary C.I.D.—what I call the ordinary C.I.D. who deal with things like note forgeries and so forth and outbreaks of ordinary dacoities as distinct from political dacoities—the ordinary C.I.D. might also be separated, might it?—I consider it might; in fact in Bengal to all intents and purposes now it is separated.

16,703. That is to say, the Terrorist Branches in Calcutta and Bengal are distinct?—In Bengal the C.I.D. has a Deputy Inspector-General in charge of it.

16,704. That is the ordinary C.I.D.?—No. He is in charge of both the Intelligence Branch and the Crime side of the C.I.D. but these are different offices. The Intelligence Branch is about three miles away from the Crime Branch of the C.I.D. and the Deputy Inspector-General nowadays spends practically all his time in the Intelligence Branch.

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16,705. Who looks after the crime?—There is a Superintendent of Police who works under the Deputy Inspector-General. He is a senior Superintendent and he runs the whole of the crime side.

16,706. The non-political crime?—Yes.

16,707. On the other hand, you often have to invoke the aid of the ordinary Police in the course of your work, have you not?—Yes

16,708. You have got more staff probably in Bengal on the special branch side or the political crime side than you have in other Provinces?—Yes, I should think so.

16,709. Even in Bengal you have got to invoke the aid of the ordinary Police very often?—Yes.

16,710. For instance, house surgeons; in conducting arrests, if there is likely to be any trouble?—Yes.

16,711. And you depend therefore upon complete co-ordination and co-operation between the ordinary Police and yourself?—Yes.

16,712. It would not be impossible, for example, for your Terrorist Branch to be let down owing to the ordinary Police looking the other way?—They certainly could do it.

16,713. They have not done it hitherto?—No.

16,714. You have not had any cases that have come to your knowledge of lack of co-operation where you had to complain?—No. I think, generally speaking, the local Police co-operate very well.

16,715. I was going to supplement that by asking: Have you got complete confidence that you would be sure of the co-operation of the ordinary Police if the ordinary Police and the special Branch were to be under different heads altogether?—But they would be under the same Inspector-General.

16,716. Yes, but I mean that one would be under the Commissioners that you have suggested and the other would be under the counsellor?—I do not think it would be a material difficulty if they were under the same Inspector-General.

16,717. I wanted to get your views upon that. Then there is one question I propose to put to Mr. French, because it is suggested to me by the fact that he has travelled in other countries in the East and so on. Mr. French, in your travels did you stay in Peshawar on the North West Frontier Province at all?—(Mr. French.) Yes.

16,718. I should just like to know whether you ever heard of any talk about a Federation of these Provinces under the name of Parkstan?—I have not heard the name Parkstan, but the idea is in the air.

16,719. In the air where?—In India, in the Punjab, in the North West Frontier Province.

16,720. You can say that really from having heard about it, can you?—Yes, I have heard hints of it, but I have not heard the actual name Parkstan in India. I have hints of the thing; the idea of a great Muhammadan State, including the Punjab, the North West Frontier, Sind, Baluchistan and Kashmir, and also Afghanistan.

Mr. A. H. Ghuznavi.

16,721. Mr French, in your memorandum you state that the aim of the terrorists is to secure by force the government of the country and re-establish the ancient Hindu rule?—Yes.

16,722. You were my colleague in the Legislative Assembly in the year 1929?—Yes.

16,723. Do you remember the incident when the bombs were thrown?—One burst six feet away from me.

16,724. And five feet away from me?—Yes.

16,725. And they threw a number of handbills printed in red?—I saw them.

16,726. Let me put this to you: The object of the terrorist movement is to establish a Socialistic Republic; and here I will read to you from the Rules and Regulations of the Hindustan Socialist Republican Association: "The object of the Association shall be to establish a Socialist Republic of the United States of India by an organized and armed revolution" Therefore, if I say to you that the object is not to establish the ancient Hindu rule but the object is to establish a Communist Republic, is that correct? I am reading from their own rules and regulations?—Yes.

16,727. Is that correct?—I do not agree. I had a thorough insight into the terrorist organization when I committed the Barisal Supplementary Conspiracy Case, and the terrorist pamphlets and the terrorist regulations were full of references to the goddess Kali, and the oaths were taken on the altar of the goddess Kali, and there was one very striking thing in their instructions to their recruits. They said: "Some people say that the English

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

have a strong army. Do not fear the soldiers and cannon of the English. On our side will be the gods and heroes of ancient times. When the time comes for us to meet the English in battle the weapons of the English will crumble in their hands." That is in the terrorist pamphlet of their organization.

16,728 Here is the terrorist leaflet (*producing same*)<sup>2</sup>—I know, but I may mention that in that Barisal supplementary conspiracy case the terrorists talked a lot about Italian revolutionaries; they talked a lot about Mazzini and Garibaldi. That was the cant revolutionary talk in those days. Especially they talked about Mazzini in view of his doctrine supporting assassination. Now they have taken up Communist and Socialist catchwords, but I maintain that those catchwords are only a sham; they are only a screen. That is my opinion.

16,729. It has been suggested here by Mr. B. C. Chatterjee in his Memorandum before the Joint Committee that the terrorist movement in its origin and aim was an anti-Muslim movement. Is that true?<sup>2</sup>—No; I should say it is primarily anti-English. If they succeed in getting the English out of the way then they will deal with the Muslims. That is their programme.

16,730. I will now read to you a statement. Do you know Mr. Barindra Gosh?<sup>2</sup>—The brother of Arabinda?

16,731. Yes?<sup>2</sup>—I have not met him; I know him very well by repute.

16,732. Did you know that he was a terrorist and was convicted?<sup>2</sup>—He was one of the founders of the Jugantar Society.

16,733. I will read to you a statement which Mr. Barindra Gosh made very recently on the 26th August, 1933. He said this: "I can definitely state that the Anandamath never preached a patriotic and holy war against the Muslims. I do not know what induced Mr. B. C. Chatterjee to say this in his Memorandum to the Joint Parliamentary Committee, but it is a statement that can easily be refuted by anyone who has read 'Anandamath.'" Following that he says: "I think no one can say with better authority than myself, who was instrumental in starting the first revolutionary party in Bengal, that Bengal terrorism was never communal." Is that statement correct?<sup>2</sup>—No, because in the Barisal supplementary conspiracy case, I remember the famous question letter which was one of the exhibits in the case in which one of the members wrote to

the head and said: "When we have dealt with the English, what about the Muslims? Shall we not be their little brothers-in-law?" You know the Hindu word.

16,734. Yes, I know the Hindu word. Then Mr. B. C. Chatterjee before the Committee said this: "Let England do these two courageous acts of justice, and introduce the Reforms into India with the Hindus of Bengal on her side. And it is the firm belief of the present writer that such righteous action will win over the present revolutionary youths of Bengal in the same way that the courageous declaration of the 20th August, 1917, won over the then revolutionary party of India."<sup>2</sup>—You mean that a generous proposal will win over the revolutionary party?

16,735. Now I come to the two generous acts which he wanted the English to do. The first generous act was to renounce the Poona Pact, and the next generous act was to reduce the number of Muslim seats and give more to the caste Hindus. Those are the two generous acts he is referring to that will prevent the terrorism in Bengal and will make the terrorists, as he was a terrorist himself, go over to the right side?<sup>2</sup>—What has that got to do with terrorism? The terrorists are not interested in these questions. The terrorists take no interest in the Poona Pact and they take no interest in the number of Muslim seats. What they want is to turn the English out of India by force.

16,736. And terrorists care nothing at all how many seats the Muslims get and how many the Hindus get?<sup>2</sup>—The terrorists are not primarily interested in politics. They are concerned with their own movement.

16,737. I will ask you one more question. You were in Midnapore?<sup>2</sup>—Yes.

16,738. Law and order is not at present transferred: it is a reserved subject?<sup>2</sup>—Yes.

16,739. Can you tell this Committee why you have not been able to control this terrorist movement in Bengal?<sup>2</sup>—The reason for that is because the powers were not sufficient.

16,740. But law and order was not a transferred subject which was under a Member?<sup>2</sup>—No, but when law and order is in the hands of the Government, the Government must have sufficient powers to control terrorism properly.

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16,741. Who was there to prevent the Government from taking those powers?—The Government did not take them: that is all.

16,742. Therefore, why do you say: "Do not transfer law and order"? The law and order was not transferred. Why do you not take this power to cope with the terrorist movement in Bengal?—Because the Government did not take sufficient powers completely to quell the Terrorist Movement in Bengal is no reason why they should be handed over to somebody else.

16,743. Your objection is not to transfer Law and Order, because you feel that the Terrorist Movement will increase, but the Law and Order is not a transferred subject. Why have you not taken those steps to put an end to the Terrorist Movement now?—That is an answer for the Government of Bengal to give.

16,744. Therefore I should like to ask you this: Then you have made out no case for not transferring Law and Order?—No; on the contrary, I think I have made out a strong case.

16,745. You said you had been in Midnapore after the murder of Douglas, and before the murder of Peddie?—No, Peddie was first murdered. Douglas succeeded me.

16,746. Can you tell me the reason why in Midnapore alone year after year these English Magistrates are being murdered?—I think the Terrorists regard Midnapore as a very suitable scene for staging a tour de force.

16,747. I put this to you: The Government did not take sufficient steps, otherwise they could not have murdered year after year the English officers there. It is the Government who should have taken those steps but have not taken them?—Mr. Mills has dealt with that question. The history of Terrorism in Bengal is of terrorism rising to a certain level, then the Government taking strong action, then the Government, when the outrages cease, giving up the special measures, the outrages re-appearing, further measures being put on, those measures being taken off, then further outrages occurring, and then further repressive measures. I can give you the dates. The first campaign of terrorism was from 1907 to 1915. Then the Defence of India Act was passed, and in 1916 it was enforced. By 1918 it had borne fruit. In 1918-19 the outrages were only one a year. Then in 1920 the Defence of India Act expired.

In 1921 the Rowlatt Act was repealed. In 1923 there were nine outrages. In 1924, 'eight. In October there was a limited ordinance, and 76 arrests. In 1925 the Bengal Criminal Law Amendment Act was passed with a five years' duration. In 1926 and 1928 the outrages dropped in number. In 1929 there were four outrages. In 1930, the Bengal Criminal Law Amendment Act expired on the 21st March. In April, 1930, came the Chittagong outrage. The Government immediately after that issued an Ordinance, but in 1930 there were 36 outrages and 19 murders. In 1931 there were 67 Terrorist outrages and nine murders. Now some very strong measures have been put on, and we will see that the outrages will cease.

16,748. You mean by "now," in 1933?—Yes, I understand so.

16,749. Mr. French, you are of the opinion that Law and Order should not be transferred?—Yes.

16,750. Is it only for Bengal?—For the whole of India.

16,751. Mr. Mills, I will just ask you one question. You have referred in your Memorandum to the fact that the seed has been well planted?—(Mr. Mills.) Yes.

16,752. Where?—It was planted in Bombay.

16,753. And after that?—After that the roots spread to Bengal.

16,754. And no other Province?—At that time it spread solely to Bengal.

16,755. Now?—Now there are branches of the organisation throughout Northern India.

16,756. Not in Madras?—I believe about three months ago an organisation came to light in Madras, and they ran a conspiracy case. That, I believe, was also due to Bengal influence.

DR. SHAJA'AT AHMAD KHAN.

16,757. Mr. French, in your replies to Mr. Ghuznavi, you have said that the targets of the Terrorist attack were mainly Europeans. Am I right in concluding from your replies that the Terrorist activities are directed against the Europeans as a whole?—(Mr. French.) The Terrorists have also murdered a number of very gallant Indian Police Officers, but they murdered them because they were serving the British Government.

16,758. But their primary object is to do away with the Europeans?—No, I should say that their primary object is

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

to do away with the British Government in India.

16,759. The Police are regarded by the Terrorists, I suppose, as the main instrument for the work of the Europeans?—The Police are regarded by the Terrorists as part of the British Government in India.

16,760. And therefore as the chief agent of the Europeans?—They are part of the British Government.

16,761. I put this to you, Mr. French. Anything that is done by the Police in the discharge of its duties is regarded as being guided, or at least inspired, by the European masters?—I do not accept the expression "European masters"—British Government.

16,762. The Europeans, therefore, have to get the blame for anything that is done by the Police?—I do not follow that.

16,763. I will come to my point. I am asking you whether you agree or not?—No, I do not agree to that.

16,764. The Police is and has been regarded as the chief agent for carrying out the work of the policy of the Europeans?—I do not know the term "European." I would say the Government in India.

16,765. Therefore, whatever is done by the Police the Europeans get the blame?—No, I do not know that.

16,766. I put it to you whether you are not really isolating the Europeans by keeping the Police reserved and if you transfer the Police to the charge of Indian Ministers they may be able to deal with the Terrorist activities and Terrorist crimes probably in a more efficacious and prompt manner than has been done so far?—I do not think so.

16,767. Why?—I think the British Government is more competent to maintain Law and Order than Indian Ministers under an elected system—under a Parliamentary system.

16,768. Your fear is, therefore, that if the Police is transferred it probably will not be able to discharge its duty?—I have not got a fear, I have got a certainty.

16,769. But you have also got a certainty that the entire system inaugurated since 1919 has been absolutely a failure in India?—I think it has been a failure, yes.

16,770. And that certainty is on the same footing as the certainty that you have just mentioned. The certainty that Parliamentary government is a failure is on a par with your certainty that the transfer of the Police would be a failure?—No, because I have observed instances

in which it has failed. I have given the Municipalities. I have given reasons for considering that the elective system of municipal administration in Bengal has been a failure. I can also give the Legislative Councils, if you wish.

16,771. Your remarks regarding Bengal are applicable to every municipality in Bengal in 1933?—I should say they are applicable to the great majority.

16,772. Then you do not agree at all with Mr. Mills that the Intelligence Department, or the Intelligence Branch, could be at least isolated and placed in charge of the Governor?—No, I do not think so.

16,773. You disagree with him?—I do not disagree with Mr. Mills. I think Mr. Mills is viewing the question from a different angle. Mr. Mills' first concern (Mr. Mills will correct me if I am wrong) is how his Department can be kept intact and in proper working order. (Mr. Mills.) And also how European officials will be protected. (Mr. French.) Your question to me is whether, if you separate the Intelligence Department, it will be possible to run the province efficiently. Is that not so?

16,774. Yes?—I say, No.

16,775. Now, Mr. Mills, do you think that the proposal you have made regarding the placing of the Intelligence Bureau or the Intelligence Branch will be met by any section of the White Paper?—(Mr. Mills.) No, I do not think it would.

16,776. Your proposal is that the Intelligence Branch should be permanently placed in charge of the Governor?—I do not say permanently placed in charge of the Governor.

16,777. What is your time limit then?—I should say if there were a Minister whom the Governor felt was in no way connected with the Congress, he could very well place Terrorism under such a Minister.

16,778. The Minister would be practically the whole of the Executive Council?—Responsible for Law and Order.

16,779. He will constitute the Executive Council. You are thinking of the elected Minister?—I should leave it open to the Governor. If he considered that a Minister could be put in charge of the Intelligence system without any danger to the system, then it would be perfectly open to him to do so. The Minister responsible for Law and Order might very well be someone not connected with Congress at all. If that is so I see no reason why the Intelligence



13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [*Continued.*]

Branch should not be put under such a Minister.

16,780. That clears up the position greatly, I think. Then your proposal does not differ fundamentally from the proposals that are implicit in the White Paper?—No. I should leave it entirely in the discretion of the Governor.

16,781. Then your proposal really is not based upon a radical modification of the White Paper?—No; so far as I have read the White Paper; all I suggest is that there might be power to appoint an extra Minister in charge of this Terrorist portfolio; or the Governor might take over the portfolio himself, if he considers it is desirable.

16,782. The extra Minister will not necessarily be the official Minister?—He might not be, if the Governor could find somebody else whom he considered could be in charge of the Intelligence Branch without danger to the Intelligence system.

16,783. He might be an elected Minister?—That is quite possible.

16,784. You do not exclude the possibility of an elected Minister being appointed in charge of the Intelligence Branch?—The only danger would be if the Congress Party were in power in the Council; he would then have to appoint his Minister from that Party.

16,785. And if the Congress Party were not in power you would have no objection to the appointment of a Minister who might be placed in charge of the Intelligence Branch?—No; it would be in the Governor's discretion.

*Mr. Zafrulla Khan.*

16,786. Mr. Mills, in your Memorandum one of the fears that you have expressed, if I may say so the main fear that you have expressed, is this, that if at any time there was a general amnesty exercised towards Terrorists, the work of the Special Branch or of the Intelligence Branch of the Police would be destroyed, and it would be impossible to build up the organisation again?—No. I do not say that in those circumstances it would be impossible to build up the organisation. I said that the morale of the Intelligence Branch would be very greatly lowered.

16,787. Take it at that. Would you regard an amnesty of that kind as a grave menace to the peace and tranquillity of India?—I think it would be a very grave menace to the peace and tranquillity of Bengal.

16,788. And you think the Governor ought to have power to resist any such proposal which his Ministry might make to him?—Yes, I do; because he is responsible for the tranquillity of the Province.

16,789. If the Governor had ample power to overrule his Ministers and to take any action which he considered necessary, or directed to be taken whenever he thought there was a grave menace to the peace and tranquillity of the Province, including any proposed amnesty to Terrorists, that would meet your wishes?—Yes. I believe that is provided in the White Paper.

16,790. Again, do you not regard Terrorism as a grave menace to the peace and tranquillity of India, apart from any question of amnesties?—I do.

16,791. And if the Governor had complete power to deal with that, that again would meet the fear that you have in mind?—Yes. I have made that suggestion.

16,792. One question with regard to these amnesties, the two that you have referred to in your Memorandum which have already taken place. You recognise that when those amnesties were announced Law and Order was completely reserved?—Yes.

16,793. So that the mere fact that Law and Order is reserved does not rule out any exercise of any particular power on any particular occasion?—I do not quite follow that question.

16,794. Law and Order being reserved merely gives powers to the Governor. It does not rule out the exercise by the Governor of his own authority one way or the other in favour of an amnesty or against it on any particular occasion when it might arise?—No.

16,795. Now, Mr. French, may I put one or two questions to you. I understand from answers you have given to questions put to you by previous questioners that, according to you, the whole of this scheme which originated in 1919 was a mistake I want to ask you this. I have understood clearly that at present you do not want to go forward; you want to go backward; but would you at any time consider that in India Parliamentary institutions and democratic institutions could be introduced?—(Mr. French.) I cannot see them possible in the reasonable future.

16,796. You think, therefore, that any urge towards them ought to be resisted?—What sort of urge?



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16,797. Both in the form of formulating a constitution based upon that principle and also in the form of trying if possible to suppress any such desire among the people?—As I think they will not be feasible in the near future I think that making such plans is hardly useful energy.

16,798. That is answering one part of my question. May I put now the second part, which I think has not been answered. Do you think it could lead to mischief to permit the desire for such institutions to grow and be continued to be expressed in India for some years at least?—I am in favour of allowing as much liberty in India as is consonant with the maintenance of public order.

16,799. If you will excuse me, my question was not so far as liberty is concerned. My question is with regard to political aspirations and a desire and an expression of a desire for the attainment of these institutions?—That is a part of liberty.

16,800. Do you or do you not consider that the Government in India ought to encourage and promote a desire for democratic institutions and Parliamentary Government?—No.

16,801. And you think that the British Government in India has so far done nothing because it has been a reserved Government, to equip people of India for self-government, because that should not be the object of government at all?—I think it has tried and has not succeeded.

16,802. And that therefore it ought to abandon the attempt?—Yes.

16,803. Now you said with regard to a scheme to which reference was made by Sir Reginald Craddock that you had heard mention of it in the Punjab among other places?—I have not heard mention of it, I have just heard hints.

16,804. When were you in the Punjab last?—I was in the Punjab last in May of last year—May, 1932.

16,805. You have said that you heard hints of a great Muhammadan State including some Provinces of British India and also of Afghanistan?—Yes.

16,806. The hints must have been that this large and powerful Muhammadan State should be outside the British Empire if it was to include Afghanistan?—Well, they were only envisaging that as a possibility of the future.

16,807. But did the hints that you succeeded in hearing convey anything to your mind with regard to the possibility being that the Muhammadans of

Northern India desired Afghanistan to be included within a British Federation of Muslim States, or did you think that they desired that these British Provinces should go outside the British Empire if it was to include Afghanistan?—I do not think there is an active desire at present to set up any such State, but it is a possibility that is in men's minds for some future time if necessary.

16,808. Did you hear hints directly or indirectly from any Muslim sources?—I heard them from Muslim sources.

16,809. Directly yourself?—Directly myself.

16,810. But it did not occur to you to inquire whether it was envisaged that this Federation would be within the British Empire or outside it?—I only heard it as a very vague idea.

*Sarda Buta Singh.*

16,811. Only one question, Mr. French. Are you aware that during these last 11 or 12 years Co-operative movement, education and agriculture, were transferred subjects under the control of Ministers?—Yes.

16,812. Is it a fact or is it not a fact that rapid improvement has been made in all these departments, such as in education; hundreds and thousands of new schools have been opened. Similarly many new Co-operative Societies, Central Banks and Central Co-operative Mortgage Banks have been started, and again much has been done for the improvement of agriculture?—Shall I take those items one by one?

16,813. As you please?—I do not think that the Co-operative credit movement in Bengal has improved. In my experience and in that of some other District Officers the Co-operative Credit Societies have fallen into the hands of village moneylenders; they lend money to each other, and then they lend it to the rest of the population. Last year in the Legislative Assembly a member enquired from me what had happened as regards the Registrar. The Registrar of Co-operative Societies in Bengal at that time was under suspension.

16,814. I am talking of the Punjab?—So much for Co-operative Credit Societies.

16,815. Have you anything to say with regard to the Punjab?—I do not know the Punjab well enough.

*Sir Hari Singh Gour.*

16,816. I just wish to ask you two questions, Mr. French. If you scrap

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [Continued.]

the Montagu-Chelmsford Reforms, as you advocate, and go back to autocratic rule, which is your objective, do you think it will add to the contentment of India?—Yes

16,817. It would?—Yes.

16,818. For how long do you think that contentment will last?—Indefinitely.

*Sir Phiroze Sethna.*

16,819. In that case you would have Executive Counsellors?—I would certainly have Executive Counsellors.

16,820. Would they be all Europeans?—Certainly not. All I say is that I am against Parliamentary government. I am not in the least against Indians holding important posts in the Government. I am not at all against that in any form.

*Sir Hari Singh Gour.*

16,821. Would you appoint Indians as Governors of Provinces?—If they were fit for the post, yes. I am only against Parliamentary government in India; I am not against the employment of Indians in any way.

16,822. I want to ask Mr. Mills one question. Mr. Mills, the terrorist movement in Bengal has a pretty long history?—(Mr. Mills.) Yes.

16,823. During all these years the terrorist movement in Bengal has continued in spite of the efforts made to control it?—Yes, because the action which has been approved by the Government, has always been inadequate to deal with it. Firm enough measures have not been taken.

16,824. You ascribe the continuance of the terrorist movement to the weakness of Government?—I consider that the Government are always afraid to take too severe measures because of public opinion.

16,825. Therefore, it is a weakness of Government?—Yes.

16,826. And that weakness has nothing to do with the Montagu-Chelmsford Reforms because the terrorist movement began in 1906?—That is so.

16,827. And that weakness may continue in future, even if you are to reserve law and order; there is no guarantee against it?—No. But the Government at the present time are taking firm measures. They seem to realise that it is a grave matter.

16,828. After all, it depends on the discretion of the Government?—Yes.

16,829. The Government is sporadically strong perhaps—sometimes strong and sometimes weak?—Yes.

16,830. There is no guarantee in future against a sporadically weak Government?—No.

*Sir Phiroze Sethna.*

16,831. You told us the differences between the Intelligence Branch of the Police and the Special Branch of the Police, Mr. Mills?—Yes.

16,832. You explained to us what is the difference in Bengal or does the same division extend also in the other Provinces?—No; I think Bengal is the only Province which has an Intelligence Branch, in other Provinces it is called the Special Branch of the C.I.D. It is confusing, but it is the same thing practically.

16,833. You refer to the Intelligence Bureau of the Government of India?—Yes.

16,834. How does that differ from the others?—Its functions are different from those of the Intelligence Branch in the Provinces, its functions being to co-ordinate the work of the different Provinces.

16,835. You referred to two Congress Parties in Bengal?—Yes.

16,836. Which are those?—The two Congress factions, one might call them.

16,837. Are they known by different names?—No, they have different leaders.

16,838. You have explained what is the avowed object of the terrorists and you suggest your remedy in your Memorandum, namely, to have legislation on the lines of the current Act permanently on the Statute Book?—Yes.

16,839. Do you not think the remedy is worse than the disease, after your experience in Ireland?—I have never been in Ireland.

16,840. You have not, but I mean the experience of this country?—No, I do not think it would.

16,841. You think oppressive measures would stop terrorism?—I see no other method of dealing with it at all.

16,842. Supposing the White Paper proposals ended in reforms which satisfied the great majority of Indians?—They would not satisfy the terrorists because they are completely irreconcilable. Their sole aim is complete independence.

16,843. You refer to municipalities: I suppose your experience is confined to Bengal Province, Mr. French, to judge from the municipalities which you quote as being mismanaged?—(Mr. French.)

13<sup>o</sup> Novembris, 1933.] Mr. J. C FRENCH and Mr. S. H. H. MILLS. [Continued.]

My personal experience is confined to Bengal, but from what I have heard from other District Officers, it is much the same in other parts of India.

16,844. You single out a few cases from administration reports. Is not it a fact that against one such municipality which you say is mismanaged there are dozens which are well managed?—No.

16,845. Have you proofs to show that?—The extract which I read from the Bengal Administration Report was about the Province as a whole, about the municipalities as a whole.

16,846. And you gave quotations from administration reports, not of this year, last year, or two years ago, but of several years back?—The rest of my evidence was my own personal experience.

16,847. In reply to Lord Salisbury you said your knowledge was up to date, Mr. French, yet you told the Committee that the Calcutta Municipality was superseded. Again you said it was suspended. Is that so?—I should have used the word "suspended."

16,848. You used both?—I should have used "suspended."

16,849. Is it suspended?—I saw the notice in all the newspapers here that on the 5th September the Bill had passed amending it.

16,850. May I tell you it is not suspended? The Bill imposes certain restrictions, and the information which you have given to the Committee is not correct?—I will take it from you, but it is "The Times" newspaper that I read it in. It is "The Times" which is not correct if the information is not correct.

*Sir Hari Singh Gour.*

16,851. I think you got it from the "Morning Post"?—Also "The Times."

*Sir Phiroze Sethna.*

16,852. You said the main attitude of the Indian public towards the Terrorists is that of fear? Do you imply thereby that the attitude is also one of sympathy towards the Terrorists?—No, the attitude of the mass of the population is not of sympathy.

16,853. I am glad to hear that. One last question, Mr. French. I understand you were Government Whip in the Legislative Assembly when you were there?—I was Assistant Government Whip.

16,854. I beg your pardon. You said: "There is no evidence that Parliamentary Institutions will be a success in India." Will you tell the Committee what has been your experience of the

time when you were on the Assembly, whether the Assembly was worked on proper lines or otherwise?—The reason why the elective system has not succeeded in the Legislative Assembly is based on two grounds the first ground is, in my observation, the majority of the elected members of the Legislative Assembly did not represent political parties or political modes of thought, but represented different communities, Hindus or Muhammadans. The evidence I have to offer in support of that is the sort of questions asked in the Legislative Assembly. I could support my contention by reference to the Debates in the Legislative Assembly. That would take a long time, and would occupy a great deal of the very important time of this Joint Committee, so I just propose to give four or five typical questions if you wish. They are all of a communal nature. Shall I read them, or will you take them as read?

16,855. I do not think I will trouble the Committee; there is no time now. That is all?—My second reason to say that the elective system has not succeeded in the Legislative Assembly is that in 1931 the Legislative Assembly refused supply to the Government. On the 23rd March, 1931, a proposal was passed reducing the rates of income tax with a loss of 240 lakhs. On the 26th March, 1931, the Viceroy recommended its restoration.

*Lord Eustace Percy*

16,856. The Viceroy?—The Governor-General.

*Mr. N. M. Joshi.*

16,857. Did not the European members in the Assembly also vote for the reduction of the income tax?—Not that one. Again in the case of the Indian Finance Bill (supplementary and extending), in the special Session of November, 1931, between the 16th November and the 19th November four crores were refused to the Government. The Viceroy had to restore this also.

*Sir Phiroze Sethna.*

16,858. And you find fault with the Assembly for doing so?—I find fault with the Assembly for refusing necessary supplies to the Government.

*Sir Phiroze Sethna.*] Therefore, they are not fit for democratic Government.

*Major C. R. Attlee.*

16,859. Mr. Mills, I wanted to ask you one point with regard to the question of

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [*Continued.*]

the Congress getting power in Bengal. Has not the Congress Party always quarrelled among itself in Bengal?—(Mr. Mills.) It has for a considerable period.

16,860. Do not most communities quarrel among themselves in Bengal?—I do not think one can say that.

16,861. Have there not been dissensions even among the Muslims too?—Yes, but I do not think there has ever been such a definite cleavage as there has been between the two Congress factions in the Province.

16,862. Why do you assume that suddenly with the introduction of the reforms all these dissensions will be healed and you will have complete domination by a united party?—I think when there is a chance of getting real power there will be a far stronger incentive to combine.

16,863. Has not the Congress Party real power in the Calcutta Municipality?—In the municipality they have.

16,864. That did not prevent Mr. Sen Gupta and Mr. Subas Bose from quarrelling?—No, it did not prevent them.

Mr. M. R. Jayaker.

16,865. Mr. French, so far as I can gather from your Memorandum your attitude is this, that you are not suggesting any modifications of individual proposals of the White Paper, but you are absolutely opposed to the scheme of the White Paper?—(Mr. French.) Yes.

16,866. Therefore your position is different from that of Mr. Mills?—(Mr. Mills.) Yes, I mentioned that before.

16,867. I take it, Mr. French, your Memorandum is based upon your experience in the Legislative Assembly which you frankly stated is a failure of Parliamentary Institutions?—(Mr. French.) Yes.

16,868. You do not share the view of some people, that it has laid the germs of real representation, as yet in a quickening form?—No.

16,869. May I read to you the opinion of the Government of India in their despatch where, speaking of the Legislative Assembly, this is what they say: "That Assembly has sown the seeds as yet only quickening of real representation." I take it you do not share this view?—No.

16,870. May I point out to you that the signatories to that despatch are the following: Lord Irwin; Commander-in-Chief Sir William Birdwood, Sir George Rainy, Sir James Crerar, Sir George

Schuster, Sir B. L. Mitter, Sir Fazl-i-Husain, and Sir Joseph W. Bhore. May I further point out that two of these gentlemen, Sir George Rainy and Sir James Crerar, are the doyens of your Service? Do you share their view, or do you think they are absolutely wrong in their estimation about that?—My view being what it is, I cannot say that their view is right.

16,871. May I point out to you that the representatives of European commerce in India who have gone into the Legislatures, Central as well as Provincial, do not share your view at all. May I point out to you that their representative giving evidence before this Committee stated his experience in the following terms: "I have been in three Legislatures in India, and all I can say is that the amount of assimilation of the Parliamentary system which has gone on in the minds of my Indian colleagues is very considerable. I think that the proceedings in the Assembly, indeed of the Bengal Council, when I was a member during its most stormy days, and of the Madras Council, would do great credit to any Parliamentary Institution." You think this view is wrong?—Yes.

Lt.-Col. Sir H. Gidney.

16,872. Mr. Mills, in answer to Dr. Shafa' At Ahmad Khan you said that the Governor should have power to hand over Law and Order even to an elected Minister?—At his discretion.

Lieut.-Col Sir H. Gidney.

16,873. In reply to a previous question you said that if the Congress Party were in power the Governor should elect a Minister from them in charge of Law and Order?—Yes, at his discretion.

16,874. You also said that it is your opinion it is quite likely that the Congress Party would sweep the elections?—Yes.

16,875. Supposing I put before you a picture of a Party—it may be developing in India to-day under the guise of some other name—but with the principles and objects of the Congress Party, would you object to that Party?—It all depends whether it has associations with the terrorists.

16,876. Then do you state here definitely that the Congress Party and the terrorist party are one and the same thing?—Practically, in Bengal.

16,877. Do you mean by this that the Congress leaders are really the brains

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS [Continued

behind the terrorist movement?—Yes, most certainly.

16,878. In your Memorandum you have given quite a different idea of how law and order should be managed. The first alternative you suggest is to appoint an extra Minister or adviser from the Indian Civil Service if the Governor considers that necessary, and the other alternative is that the Governor would take over the portfolio himself?—Yes.

16,879. You now introduce a third method by suggesting that even if this Minister were an elected Minister, provided he did not belong to one of these Parties you would not object to him taking over Law and Order?—I have said there, if the Governor considered such a course necessary. He might not consider it necessary.

16,880. Now do you look upon the Calcutta Corporation as a mirror reflecting the political opinion of Bengal as a Province?—I think it does.

16,881. Have you ever known a Muslim to be elected as Mayor of the Calcutta Corporation?—No.

16,882. Do you think a Muslim will ever be elected as Mayor?—I should think it is improbable.

16,883. Then do you think that the composition of the Bengal Legislative Council with a large majority of Muslims would not have an antidotal effect upon the Congress? Do you think that the suggested Council of Bengal with a large percentage of Muslims would not be an antidote to the Swaraj ever regaining power?—I have already said that I consider a certain number of Muslims would come it on the Congress ticket.

16,884. Then do you agree with me that a large number of Muslims to-day support Congress candidates?—Yes, I have already said so.

16,885. Am I right in saying that the reason of this is because of their financial indebtedness to the Hindus?—That I am afraid I cannot give an answer to.

Earl of Lytton.

16,886. Mr. Mills, I want to ask you one question on the subject of releases of which you have spoken. You deplored indiscriminate release of détenus?—Yes, my Lord.

16,887. You are aware, of course, that apart from general amnesties which have taken place from time to time there has been a regular policy of releasing selected individuals on undertakings?—Yes.

16,888. When you spoke about outrages committed by those who had been released did you include any men who were released after giving an undertaking?—I cannot say that, but we have had cases of détenus who have been released and have given an undertaking, having been re-arrested when further repressive legislation came in; in other words, they have broken their word and gone back to the terrorist movement.

16,889. You have known cases where men have given an undertaking and have broken it afterwards?—Yes, I can speak from my experience of a case in which an undertaking was given, I think, after the Defence of India Act expired, and that man went back again into the movement. We have had cases of it; I am certain of that.

16,890. I am speaking, of course, of detenu under the Bengal Ordinance?—Yes.

16,891. Do you know of your own experience of any men who were released after giving an undertaking and who have been subsequently re-arrested?—Yes, I know of one or two cases.

Lieut.-Colonel Sir H. Gidney

16,892. Continuing my question, would not I be right in saying that the Muslim community in Bengal to-day are now quite capable of managing their own affairs with the majority that they will have in the proposed Council and that they would resent the Congress leadership?—If the Muslims were in a majority.

16,893. They are in a majority now, but would not I be right in saying that if they would be able to get a majority of the Congress they would not have the leadership of the Muslims?—I have already said there would be some Congress Muslims who would vote with the Congress Hindus.

16,894. In your Memorandum you made a statement that is was more than likely?—Yes.

16,895. The Muslims to-day are a different community from what they were a little while ago, are they not?—Yes.

16,896. Surely the Muslims can be depended upon, if Law and Order were given to them, to see that Law and Order were carried out properly?—I have already said that if the Governor considered it desirable he could make over "terrorism" to the Minister responsible for Law and Order straight away.

16,897. Therefore all these reasons which have been given about the Muslims not supporting the Congress and being

13<sup>o</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS. [*Continued.*]

in debt, etc., are really not important factors to prevent Law and Order being given over to the Minister?—I think we must wait and see what the elections show.

16,898. Is it a fact in your experience in Calcutta in the Intelligence Department that arms and ammunition are being imported via the ports?—Yes.

16,899. Can you tell the Committee whether this has been on the increase of recent years?—I think it has been on a considerable increase.

16,900. Could you say within the last five or ten years?—In 1924 the situation was becoming so serious that I moved the Bengal Government to appoint a special staff to deal with arms smuggling in the Port of Calcutta.

16,901. Could you tell me what that staff consisted of?—I think it consisted of an inspector and four sub-inspectors.

*Sir Hubert Carr.*

16,902. There is only one question I want to get quite clear, Mr. Mills, and that is: In the case of a separation of the Special Branch from the C.I.D.—?—The Intelligence Branch.

16,903. Yes, the Intelligence Branch—would you be satisfied that the Intelligence Branch could in case of necessity depend upon getting the support which it would require from the uniformed police?—Yes, because both branches would still be under the Inspector-General of Police.

*Dr. B. R. Ambedkar.*

16,904. Mr. Mills, there is just one question I should like to ask you, because I am rather interested in getting your view of this matter. You stated somewhat emphatically that under the proposed Constitution in Bengal Muslims and the Depressed Classes would be under the influence of the Congress?—I think there is every chance of their being under the influence of the Congress—a percentage of them.

16,905. You said about 20 of the Depressed Classes?—Yes.

16,906. I suppose it is not your suggestion that as it is to-day there are any Depressed Classes or there are any Muhammadans who are in sympathy with the terrorist movement?—We have quite a large number of Depressed Classes who have been arrested as terrorists.

16,907. From what community?—We have had some from peculiar communities and there have been a number of

Shahas; then from Midnapore quite a number of the Depressed Classes have been arrested—particularly Midnapore.

16,908. Shaha is not a schedule of the Depressed Classes?—No. In the Midnapore district there have been quite a number of the Depressed Classes who have been arrested.

16,909. Now the next point that I want to draw your attention to is this: May I just put it? Is it your experience, for instance, that a large community like the Namasudras in Bengal are in any way connected with the Terrorist movement?—Yes, they are.

16,910. The next question that I want to ask you is this: You know that under the White Paper proposals the minorities in Bengal have separate electorates?—Yes.

16,911. Do you still think that, notwithstanding the separate electorates, the Congress will have any influence in the election of the members of these communities?—I think it is highly probable.

16,912. How would that influence be felt?—Because the Congress having the Terrorists behind them is very greatly feared in the Province, and that fear would tend to dominate them.

*Mr. N. M. Joshi.*

16,913. May I ask the Witnesses whether they will agree with me on account of their experience of the Province that whatever may be the aim of the Terrorists one of the important causes of the rise of the Terrorist movement is the economic position of the Province, namely, that on account of the peculiar circumstances of the Province the Permanent Settlement and the subdivision of the landlords, the educated middle class finds it difficult to get suitable employment?—I think it is the same all over the world. I do not think that has had any particular reaction on the Terrorists.

16,914. You think that on account of the unemployment these young men do not take to the Terrorist movement, but it is simply due to their political motives?—I think it is due to political movements; economic causes account for something, but that is the main reason.

16,915. What is your view, Mr. French?—(Mr. French.) My view is that the economic consideration is quite secondary.

13<sup>d</sup> Novembris, 1933.] Mr. J. C. FRENCH and Mr. S. H. H. MILLS [Continued.]

16,916. Have you not had cases of people who had sympathy with the Terrorist movement give up the movement when they got suitable jobs?—(Mr. Mills.) Yes, I have had such cases.

16,917. Does not it show that if these young men could get suitable jobs many of them would leave the movement?—I do not think that applies, because we have also had cases of Terrorists who

have obtained suitable employment (and also wealthy men), who still throw themselves heart and soul into the movement, but we have also had cases of men who have thrown it up when they have had suitable employment.

*Chairman* ] We are greatly obliged to you, gentlemen, for the way in which you have given your evidence.

*(The Witnesses are directed to withdraw.)*

Ordered, That this Committee be adjourned to to-morrow at half-past Ten o'clock.

### DIE MARTIS, 14<sup>o</sup> NOVEMBRIS, 1933.

Present :

Lord Archbishop of Canterbury.  
Marquess of Salisbury.  
Marquess of Zetland.  
Marquess of Linlithgow.  
Marquess of Reading.  
Earl of Derby.  
Earl of Lytton.  
Earl Peel.  
Lord Middleton.  
Lord Ker (Marquess of Lothian).  
Lord Hardinge of Penshurst.  
Lord Irwin.  
Lord Snell.  
Lord Rankeillour.  
Lord Hutchison of Montrose.

Major Attlee.  
Mr. Butler.  
Major Cadogan.  
Sir Austen Chamberlain.  
Mr. Cocks.  
Sir Reginald Craddock.  
Mr. Davidson.  
Mr. Isaac Foot.  
Sir Samuel Hoare.  
Mr. Morgan Jones.  
Sir Joseph Nall.  
Lord Eustace Percy.  
Miss Pickford.  
Sir John Wardlaw-Milne.  
Earl Winterton.

The following Indian Delegates were also present:—

INDIAN STATES REPRESENTATIVE.

Mr. Y. Thombare.

BRITISH INDIAN REPRESENTATIVES.

His Highness The Aga Khan.  
Dr. B. R. Ambedkar.  
Sir Hubert Carr.  
Mr. A. H. Ghuznavi.  
Lieut.-Colonel Sir H. Gidney.  
Sir Hari Singh Gour.  
Mr. M. R. Jayaker.

Mr. N. M. Joshi.  
Sir Abdur Rahim.  
Sir Phiroze Sethna.  
Dr. Shafa'at Ahmad Khan.  
Sardar Buta Singh.  
Mr. Zafrulla Khan.

The MARQUESS of LINLITHGOW in the Chair.

Colonel R. F. BAIRD, Lieut.-Colonel C. L. DUNN, C.I.E., and Lieut.-Colonel H. H. BROOME are called in and examined as follows:

*Chairman.*

16,918. Colonel R. F. Baird, you served 31 years in India in the Indian Medical Service, retiring in 1929, were a civil surgeon in the United Provinces for twenty years and then held the post of Inspector General of Civil Hospitals in the United

Provinces for three years, acting in this capacity as chief medical adviser to the United Provinces Government?—(Colonel Baird.) Yes.

16,919. Lieut.-Colonel C. L. Dunn, you joined the Indian Medical Service in 1902; you were Deputy Sanitary Commissioner



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[Continued.]

in the United Provinces in 1910-14 and again in 1919; and were Director of Public Health in the United Provinces in 1919-32?—(Lieut.-Colonel Dunn.) Yes.

16,920 Are you now retired?—Yes.

16,921. Lieut.-Colonel Broome, you joined the Indian Medical Service in 1903, in 1908 were appointed Professor of Anatomy in the King Edward Medical College, Lahore; returned to the Medical

College in 1918, became Professor of Surgery in 1921 and, a year later, Principal of the College?—(Lieut.-Colonel Broome.) Yes.

16,922. You, too, I think, are retired from the Indian Medical Service?—Yes.

16,923. Colonel Baird, you are also retired?—(Colonel Baird.) Yes, my Lord.

16,924. Colonel Baird, you hand in a Memorandum which is number 92?—Yes. It is as follows:

#### MEMORANDUM 92 ON CIVIL MEDICAL SERVICES BY COLONEL R. F. BAIRD, I.M.S. (Retired).

(The writer spent thirty-one years in India in the Indian Medical Service, the first eight years in Military employment in various parts of the country, the subsequent twenty years as a Civil Surgeon in the United Provinces (with the exception of four and a-half years active service during the war). He was then selected for the post of Inspector-General of Civil Hospitals in the United Provinces, which he held for three years. In this capacity he acted as chief adviser to the United Provinces Government in all medical matters (excluding Public Health), and controlled a staff of some six to seven hundred doctors distributed over the Province. He retired in 1929.)

Medical Services being, under the Reforms Scheme, a Transferred subject, I administered the Department under an Indian Minister.

I found during this period that the standard of the medical relief afforded to the people of the Province was undergoing a very decided deterioration, ascribable to the following factors:—

1. Tendency of the Minister in charge to interfere with details of Medical administration instead of confining himself to matters of Medical Policy. I was on many occasions asked to alter my proposals for both important and comparatively unimportant appointments, and to fall in with the private plans of the Minister for these appointments. Even the postings of subordinate doctors to small towns and villages were not too unimportant for the Minister to interest himself in. On one occasion he wished to interfere in the selection of the head assistant in my own office. I found that Indian doctors would frequently go to the Ministry to try to influence him regarding their own appointments, behind my back. Their proper course if they desired an interview with the Minister, being to obtain it through me.

It is obvious that if the Head of a Department, particularly of a highly technical Department like the Medical, has not the power to award merit by good appointments, and confine slackness and inefficiency to the less important posts, both the discipline and efficiency of his department suffer enormously. Promotion no longer goes by merit and ability but by Ministerial favour.

Much friction was of course caused by disagreements between the Minister and the Departmental Head, and a point was not infrequently reached when one or other must either resign or give way. I found that the only way to avoid this climax, was to adopt a policy of compromise, permitting myself to be overruled on less important matters.

What was the reason for this constant Ministerial interference in the petty details of administration? Communal feeling, nepotism, bribery, are freely suggested by opponents of the Reforms Scheme to explain the shortcomings of Indian Ministers; I should hesitate to make such imputations. As a rule it was perfectly clear that the peculiar actions of the Minister were traceable to a desire to please a political friend or placate a foe. It became exceedingly difficult to protect the Medical Department from this political wire-pulling.

#### 2. Loss of British personnel.

In the years preceding my tenure of office and during my actual tenure, the number of I.M.S. officers employed in the Province was constantly dwindling. Their services were not dispensed with, but vacancies caused by casualties and retirements were not filled up. I several times made representations to the Minister asking for more officers to fill vacancies, but the invariable reply was that funds were not available. It is noteworthy that I had what may be called a "safeguard" in the shape of

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[Continued.]

an existing order of the Secretary of State that at least twenty-five I.M.S. officers should be employed as Civil Surgeons. This safeguard could always be ignored on Financial grounds.

I refer to the imperative need of British personnel again later.

3. Waste of public money in fostering Ayurvedic and Unani systems of medicine.

Under the Reforms Scheme the tendency has been to spend greatly increased amounts of money on these outworn systems "Colleges" and "Hospitals" have received considerable grants at a time when funds were urgently required for the maintenance of the regular Medical Services and the salaries of a few I.M.S. officers were too great a charge for the Provincial Budgets. It is true that one can sympathise to some extent with an Indian's feeling for what is part of the ancient culture of the country, but to ask a government to spend money on these systems, is like asking an Army Commander to raise and equip a corps of archers, when machine guns are urgently wanted. Moreover, the evil does not stop here, and throughout the hospitals of India one can see dozens of patients suffering from advanced disease, easily curable in the early stages by simple surgical or medical means, who have wasted weeks or months in seeking relief from a *baid* or *hakim*. Thousands of eyes are permanently blinded annually by the unscientific attempts of ignorant *satyas* to cure cataract. It is thus clear that a Government which fosters and encourages with money grants these ancient systems is doing a great disservice to its own people.

4. Incompetence and mismanagement of local authorities (District boards and municipalities). In pre-Reform days the Collector or Deputy Commissioner of each district, a member of the I.C.S. was Chairman of the District Board. Speaking from a long personal experience, I can say that the Chairman and Civil Surgeon worked hand in hand for the welfare of the medical institutions in the District. The funds available were often less than could be wished, nevertheless subscriptions and taxes were collected, and hospital buildings were kept in reasonably good condition, surgical and medical equipment, drugs, hospital clothing and bedding was usually sufficient for the need of the institution. Now all this is changed. The District

Boards Act of 1922 released the Boards from official control. The Indian chairman, though often a man of education and ability in other directions, has little knowledge of or sympathy with medical aims. Deterioration of medical relief was soon in evidence. Hospital buildings fell into disrepair, money was not forthcoming for renewal of essential instruments and equipment. Side by side with this many abuses arose, staffs of hospitals tended to be used for the private purposes of the Chairman and members of Boards, also for electioneering purposes. Appointments, transfers, and punishments of hospital personnel and servants, are now vested in the Board, and these functions are often exercised in complete disregard of the Civil Surgeon's recommendations. Discipline naturally suffers. It is true that a strong Civil Surgeon can to some extent protect his own hospital staff, but the majority of Civil Surgeons are now Indians, and naturally have not the independence of a British doctor, and are themselves liable to be drawn into local political intrigues. Should they refuse, their lives are often made a burden by false charges and frivolous complaints—I received constant requests for transfers to another district from Indian doctors from the causes indicated. The obvious remedy for this state of affairs was for Government to take over the Boards again, and I understand that in many cases this has now been done.

At the end of para. 2 I referred to the imperative need of a strong British element in the Civil Medical Service. During my tenure of office I formed a very strong impression that if Provincial Autonomy became an established fact, with Finance under Indian control, no British Civil Medical officers whatever would be employed by the Provincial Government. It did not therefore surprise me when the "Services Sub-Committee" of the Round Table Conference reported in January, 1931, "that in future there should be no Civil Branch of the I.M.S." Whether the Civil Medical Services of India are called I.M.S. or not is a matter of comparatively minor importance. My point is that whatever these services are called it is essential that they contain a strong British element. It would be disastrous for the welfare of the Indian masses if the immense field of medical work (as yet hardly touched) were to be divorced from Western ideals and thought. Indian public men have scarcely as yet realised

14<sup>o</sup> Novembris, 1933.]

[Continued.]

the terrible economic wastage caused by disease, and the modern conception that every individual who is sick (mentally or physically), crippled, or blind, is a drain on the resources of the State. State Medical Service is to-day the direction in which modern Governments are everywhere tending, and such a Service is actually a Revenue producing department. In the Indian Medical Service India already possesses the framework of a State Medical Service, with great opportunities for extension and development along the required lines. To talk of its abolition at present would therefore appear to be the height of folly.

I need not here refer to the necessity of maintaining a War reserve of doctors for the Army, and the necessity of British Doctors for the British element remaining in the Services. These necessities are well known to everyone.

There is, however, another subject seldom discussed to which I must allude, and that is, the very low standard of Medical Ethics which exists in India. It is difficult for an Englishman who does not know India to conceive the extent to which Bribery or attempted Bribery enters into the daily life of the Doctor in India. Every district Civil Surgeon (with a few exceptions) is a police surgeon and as such he is called upon almost daily to examine and subsequently give expert evidence in the Criminal Courts regarding cases of murder, assault, rape, etc.

He is frequently also called to the Civil Courts for evidence regarding age, sanity, testamentary capacity, etc. In addition to this he constantly examines candidates for admission to the Public Services, Government servants for sick certificates, invaliding, etc. Below the grade of Civil Surgeon, Assistant Surgeons and private practitioners have much of the same work to do.

In a very large number of these cases bribes are offered to obtain a favourable opinion—I am speaking of what I know, as many attempts have been made to bribe me in important cases, and my friends among Civil Surgeons have had similar experiences. I can give details if required. Indians are perfectly well aware that Bribery is abhorrent to Englishmen in the Indian Services, and if they approach them even occasionally, it is certain that they approach their own countrymen, born and bred in a "favourable" atmosphere, much more frequently. There are ample evidences that these bribes are frequently accepted;

I could not of course take up the attitude that all English doctors are unbribeable, and all Indian doctors bribeable, but there is a very marked difference between the British and Indian standpoint. I have seen such remarkable opinions expressed by Indian doctors in both Criminal and Civil cases, and so many medical certificates given without the doctor even seeing the patient, as to leave no doubt in my mind that bribes had been accepted. I was for three years President of the Medical Council, and in the routine work of that Council many cases of false certification came up for consideration. The attitude of the Indian members towards such cases was almost invariably to minimise the offender's fault, and refuse to take any action. Had there been no British members, no action would have been taken in the majority of cases.

There is no doubt whatever in my mind that a strong British element in the Civil Medical Service makes for better Medical Ethics, and that a weakening of it causes deterioration. Unless the Criminal Courts can trust the evidence of a Police Surgeon and know that it is uncontaminated, the administration of Justice becomes impossible.

Reverting to the future of the Civil Medical Services; it is useless to disguise the fact that the Indian Medical Service is very unpopular with politically minded Indians. They regard its members as highly privileged people who stand in the way of the development of an Independent Medical profession. This attitude is no doubt partly a reflex of the feeling of the Independent Practitioners themselves. The latter, however, are in my experience even more envious of their own countrymen who have had the good fortune or ability to enter Government employment. The bone of contention is the privilege of private practice which is permitted by Government to its officers, so long as it does not interfere with their public duties.

A better understanding between doctors in and outside Government service is in my opinion most desirable. So far as the I.M.S. is concerned I believe that it would be prepared to abandon its right to practice privately if this would lead to a better understanding with the Independent Indian Practitioner, and convince politically minded India that English doctors do not go to India exclusively for private gain. I feel assured that a reorganised Service could be

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[Continued.]

formed, the members of which would confine themselves to duties such as the charge of some of the larger hospitals, medical charge of all Public Services, medico-legal work as Police Surgeons, Public Health, Research, and Medical Education. The field of work is so large, so varied, and so interesting that it should not be difficult to enlist a body

of enthusiastic medical men, both British and Indian, to enter such a Service even though shorn of the emoluments of private practice.

16,925. Colonel Dunn, you hand in a Memorandum number 93°—(Lieut.-Colonel Dunn.) Yes, it is as follows:

MEMORANDUM 93 BY LIEUT.-COLONEL C. L. DUNN, C.I.E., DIRECTOR OF PUBLIC HEALTH, UNITED PROVINCES, 1919-1932.

EFFECTS OF THE INTRODUCTION OF COMPLETE PROVINCIAL AUTONOMY ON THE PUBLIC HEALTH OF INDIA.

1. *On the prevention of epidemics and general sanitation.*

I do not think that the Government have altogether realised the effects which the proposals to grant complete autonomy to the Provinces of India would have on the health of these provinces and of India as a whole.

There are several essential measures for the protection of the health of the people which cannot be given practical effect to in the water-tight compartments of provinces, but which can be effectively controlled by the Central Government. This obvious fact has been realised in England as the result of experience ever since the introduction of the reforms of 1832. Under that Act, public health was practically relegated to the control of the Local Authorities, with the result that little or no improvement in the mortality and morbidity rate is evident from a study of the vital statistics available for that period, and the sanitation of most towns remained in a most unsatisfactory condition.

With the introduction of the Public Health Act of 1875, in which the Central Government laid down certain obligatory duties for observance by local bodies, an immediate improvement was noticeable, and with the successive amendments to this Act, each increasing the powers of the Central Government for the enforcement of measures to improve sanitation and the prevention of disease, the improvement in the public health became more and more marked.

These lessons were not lost on the Dominions, and the experience gained by the Home Government was made use of in Australia, South Africa, etc., where great and important powers of control for the prevention of disease were reserved to the Federal Governments.

In the United States public health was originally made a State subject and is still so to a great extent, with the result that the Federal Government are having immense difficulties, as the result of the legislation of their predecessors, in putting the public health of the whole country on a sound footing.

In view of the experience gained in other countries and of my own experience of the difficulties I have had to contend with, I am strongly of the opinion that complete autonomy in respect of public health must be greatly modified in the new Government of India Act.

Is it realised that in India, which is a country of great religious pilgrimages, the efforts of the Provincial Public Health Departments to control the annually recurring epidemics of plague, cholera, small pox, etc., have been rendered comparatively ineffective owing to there being no Public Health Act for all India permitting of the control of the pilgrim traffic and designed to prevent the continual importation of these diseases from one province to another by pilgrims and other travellers?

Is it realised that all the efforts to improve sanitation and hygiene in a progressive province are continually inhibited by the backwardness of adjoining provinces and Indian States?

Is it not obvious that a Government of India Act providing for the control of infectious disease and laying down obligatory provisions for the maintenance by each province of a minimum cadre of public health officials to maintain a standard degree of efficiency and sanitation and the prevention of disease would not only be accepted without any intelligent opposition by the provincial Governments, but would be welcomed?

Recommendations to this effect were put forward by the United Provinces Government in their Memorandum to the Simon Commission on page 484 and

14<sup>o</sup> Novembris, 1933.]

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approved by the Simon Commission on page 152, Vol. II, of their report.

I consider that a Public Health Act for all-India, binding on the provinces, which lays down certain essentials should be introduced and that the Government of India should retain the power to legislate for the public health of India as a whole. I append four examples of what I consider essentials:—

(a) The minimum staff of Provincial Public Health officials to be employed by each province and their qualifications and status.

(b) The areas—urban and rural—for which qualified medical Officers of health and sanitary inspectors should be employed and the proportion of such Officials to the population of each area.

(c) The minimum obligatory measures to be taken by each Provincial Government to prevent the spread of epidemic disease.

(d) Measures for the control of travellers suffering from or contacts with infectious disease, especially pilgrims travelling to religious festivals.

## 2. On the adulteration of food and drugs.

The Adulteration of Food and Drugs, especially the former, is exceedingly rife in India, and the various Provincial Governments have made laudable endeavours to cope with this evil, but owing to their powers being limited to their provincial boundaries, the evasion of the provincial laws by the importation of adulterated food, such as ghee in large quantities, from one province to another, has been found almost impossible to prevent. All India legislation would be much more effective in stamping out this evil.

## 3. On the prevention of Malaria.

The ineptitude of the measures for the prevention and treatment of malaria taken by Provincial Governments is a scandal that was severely commented on by the Malaria Commission of the League of Nations, and the efforts of the Government of India to deal with the situation have not been altogether praiseworthy.

They have, it is true, quinine plantations on a meagre scale, but on such a meagre scale that the great need of India for quinine and its allies have to be met by the contract purchase of quinine from the Dutch East Indies at a price laid

down by the ring of producers who control the world prices.

The result of the present system has produced the paradox that the Government of India have accumulated huge stocks of quinine which the Provinces will not buy at the price demanded, and 90 per cent. of the villagers of India get annual attacks of malaria and never see quinine. The Linlithgow Commission recommended the control of the management of the Production of Quinine by the Government of India (c.f. page 491 of their report). It is a pity they did not also recommend that it was the duty of the Government of India to provide all the quinine and its allied preparations necessary to properly treat free every person attacked by malaria in the whole of India, and thus raise the economic output of the country by at least 20 per cent. I submitted a joint note with the Director of Agriculture to the United Provinces Government in 1931 giving it as our opinion that if sufficient quinine were made available to give every agricultural labourer who was attacked by malaria 90 grs. of quinine per attack during the period 15th September to 15th November in each year, the "RABI" (spring) crop per acre would be increased by an average of 2 maunds, which would make all the difference between penury and comparative comfort, and which would increase the revenue of the province to a proportionate extent. Inability to provide funds for the initial expense was pleaded as a reason for not introducing this measure as an experiment even in one tahsil.

The experiment was, however, introduced in a modified form by the Gorakhpur District Board at their own expense in one tahsil with the promising result that the incidence of malaria in that tahsil was reduced by nearly 50 per cent., the Board is still continuing the experiment but the result of the economic output has not yet been published.

## 4. The Indian Medical Service.

What will be the effect of the proposed abolition of the Civil branch of the Indian Medical Service on the Government Medical Services and on the health of the people? The Services Sub-Committee of the 1st Round Table Conference in 1931 recommended that there should in future be no Civil branch of the Indian Medical Service, and that no "listed" posts should be reserved for

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[Continued.]

Europeans as such. They proposed instead that sufficient provision for a war reserve for the Army and to attend on British officers and their wives should be recruited on contract. The Government has come to no decision on this report and it would appear from the fact that 2½ years have elapsed since it was presented, that Government has had great difficulty in coming to any decision. I understand however that this decision is to be committed to the Joint Committee in the near future.

It is, I suppose, permitted to criticise this report in spite of the fact that Government has come to no decision. The substitution by the Sub-Committee of an alternative to the Indian Medical Service indicates that they realise the necessity for a war reserve for the military branch and a small cadre of doctors to attend on British officials and their wives and families, but their reasons for substituting a cadre with no traditions or standards to maintain for the present highly efficient system do not appear to have any solid foundation. They have not apparently realised that the class of doctors who would accept such posts, if any, would be of a necessarily much lower standard than the Indian Medical Service.

I wonder if they had considered the relevant opinion of the Simon Commission on this subject which was as follows, "A medical service recruited provincially in India will be no substitute for one with the excellent traditions of the Indian Medical Service," and "The Indian Medical Service could ill be spared for still another reason, loss of contact with the standards and progress of Western medicine, which would be entailed by a failure of recruitment of the Indian Medical Service, would be disastrous for the future of the public health in India.

I am convinced that the deterioration which has already taken place in the Medical and Public Health Departments of the Provincial Governments would be accentuated if the recommendations of this sub-committee are given effect to. That deterioration of a grave kind has occurred in the administration of the Civil Hospitals and the branch dispensaries is undoubted. They are now badly maintained, ill-equipped and inefficiently staffed and the lack of proper control is evidenced by the grave deterioration in discipline and hence in hospital cleanliness (cf. pages 408, 409, and 413 of

the memorandum of the United Provinces Government to the Simon Commission).

In the Public Health Department, Indian Medical Service recruitment has practically stopped already with the result that this great and essential Department has been deprived of the services of highly qualified and experienced officers with high standards and ideals who keep in close touch with all modern advances in sanitation and the prevention of disease, who by precept and example inculcated in their Indian colleagues a spirit of emulation which militated against the insidious encroachment of slackness in initiative and loss of mental and physical energy, which seem to be the heritage of the inhabitants of tropical countries.

With Indian Medical Service Officers totally eliminated from the public health departments, I am afraid that deterioration would be rapid. The abolition of the Civil branch of the Indian Medical Service would also have serious repercussions in the recruitment of suitable officers for the military branch. It is well known that the Indian Medical Service was a very popular service before the introduction of the reforms, and the numbers of candidates at each examination were far in excess of the vacancies. What is the state of affairs now? Examinations have been dropped altogether and all sorts of inducements have to be offered to endeavour to obtain a sufficiency of officers of the right stamp. This in spite of the fact that the cadre is now down to 650 regular officers, 200 British and 100 Indians in civil employ, and 230 British officers and 120 Indians in the military branch. The number in civil employ before the war was 500, and the civil branch constituted the chief attraction of the service as it provided adequate professional opportunities. According to the Warren Fisher report one of the difficulties in obtaining recruits for the R.A.M.C., R.N.M.S., and R.A.F.M.S. has been the lack of professional opportunities, and this difficulty has always existed in these services. In the Indian Medical Service this objection did not previously exist, hence the greater popularity of the Service. If therefore the Indian Medical Service is to be a purely military service, its attractions, which have gradually been on the wane, will vanish altogether, and I predict that British recruits of the right type will be almost unobtainable.



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[Continued.]

The Simon Commission has commented in this connection: "A failure of recruitment for the Indian Medical Service would be a serious matter for India."

It appears to me, therefore, that the abolition of the Medical branch of the Indian Medical Service would be a grave mistake, and I do not believe that there is a real demand for such abolition. The demand chiefly emanates from the voluble politicians who desire the elimination of the British element from every service as quickly as possible; it does not even emanate from the Indian Medical profession, in which I have a large number of friends who have often assured me that the last thing they desire to see is the total elimination of the British element. Those of the non-official medical profession who desire the elimination of the Indian Medical Service, equally desire the elimination of the Indian members of the Provincial Medical Services who compete with them for private practice to a far greater degree than the I.M.S. officer. They stigmatise, with some justice, all paid Government Medical officers who are allowed private practice, as favoured individuals who enjoy a large subsidy which gives them an unfair advantage over their unsubsidised competitors. In the public health services I have been asked several times to post a *British* officer to large municipalities as Medical Officer of Health, so that even the municipal boards are not all anti-British in this respect.

In the rural areas the I.M.S. officer will be missed more than anywhere else, as there is no more popular and trusted officer than the British doctor who tours in tents through the villages of his district. The demand therefore for the abolition of the Civil Branch of the Indian Medical Service is manifestly unreal and is only supported by a very small percentage of the population, and it is notorious that even the strongest adherents of the section of Indian opinion in favour of the complete Indianisation of the superior services, frequently requisition the services of eminent officers of the Indian Medical Service when it is a question of a difficult surgical operation being required.

Even in the Universities where the policy of Indianisation of the professional staff has been rapidly carried into effect, there are now signs of reaction and the services of eminent I.M.S. officers are being sought.

### 5. Conclusions.

The logical conclusions therefore are that in certain respects complete provincial autonomy for the administration of the medical and public health services without any control from the Government of India is not only undesirable in the best interests of the people, but that there would be little authoritative objection to the degree of control necessary to maintain a uniform standard of efficiency in all the provinces of India, and to maintain the necessary degree of liaison between the provinces to ensure the best results. It is also logical to conclude that a proportion of I.M.S. officers in the provincial services is just as necessary as in the Indian Civil Service and the Indian Police, the so-called "security" services. Surely the maintenance of a high standard of health for the personal and economic benefit of the people is as great a requirement of "security" as the safeguards of the maintenance of law and order by the inclusion of a proportion of British officers in the I.C.S. and Police in the service of the provinces.

I do not say that their conditions of service should remain as at present. These could easily be modified to remove the majority of the present objections to their retention. For example the provincial Government might be given a great degree of choice in their selection instead of having no choice as at present. This objection was the only one that Rai Rajishur Bali had to their retention when Hon. Minister in the United Provinces for Medicine and Public Health. He assured me that he would be strongly opposed to handing over the whole of the Hospitals to the Provincial Medical Service. His idea was a service of Civil Surgeons consisting of 25 per cent. I.M.S. officers, 25 per cent. promoted Provincial Service Officers, and 50 per cent recruited in the open market, *British or Indian*.

The Civil Surgeons and Government Medical Officers could be debarred from private practice among Indians, or only be permitted to carry on a consulting practice which would mean that they would have to be called in consultation by *Indian practitioners* before seeing patients. These are in my experience the two strongest objections to the retention of the Civil Branch of the Indian Medical Service, and with the removal of these, would it not be a grave mistake to abolish this useful branch altogether



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[Continued.]

against the desires of the great majority of the Indian people?

16,926. And Colonel Broome, you hand in a Memorandum number 91?—(Lieut.-Colonel Broome.) Yes, it is as follows.

#### MEMORANDUM 91 BY LIEUT.-COLONEL H. H. BROOME.

The subject I wish to make some observations on is that of Medical Education in India. My experience is mainly confined to the King Edward Medical College, Lahore, Punjab. I was appointed to that institution in 1908 as professor of anatomy and later as professor of surgery. For the last seven years of my service I was, in addition to my surgical post, Principal of the College.

In my time as Principal the degree given by the Punjab University was recognised by the General Medical Council of Great Britain and our graduates could register and practice in England. As a consequence of this the Council (G.M.C.) became interested in medical education in India and required the attainment of a certain standard in the teaching and in the examinations, and they eventually sent out inspectors to the examinations to see that the requisite standard was maintained and also to make suggestions as to the medical curriculum.

The authority of the G.M.C. and the regular inspection were of the greatest service to medical education in India. They compelled a high standard to be kept up and made it obligatory on the University to provide, through the Government, increased facilities for the training of students and the teaching of medicine.

I regard it as a great calamity for the future of medical education in India that the supervision and inspection of the G.M.C. has now ceased. Indian Universities, in my experience, are vastly different from British ones. Their main object is to pass as many students through their examinations as possible and indeed they may be described as examining boards. They are not primarily concerned with maintaining a high standard of education and many of their students, from lack of preliminary knowledge and in some cases of ability, are not fitted for a university career. Without the pressure of the G.M.C. I feel convinced that the standard of medical education in India will greatly deteriorate.

#### APPOINTMENT OF PROFESSORS IN THE MEDICAL COLLEGE.

The appointment of professors in the Medical College is done by the Indian Minister of Education, with the advice

no doubt of the Inspector-General of Civil Hospitals. The Punjab University has no say in the matter. In my opinion this arrangement is not satisfactory as it leads to considerations, other than suitable qualifications and experience, influencing the choice. It is generally believed by the Indians themselves that family, political and communal interests play a larger part than they should in the selections. Certainly in my time as Principal, professors were appointed who had no claim to such posts. As an example the present professor of physiology was selected in spite of my expressed opinion in writing that he was totally unfitted for the post. He had never acted as a demonstrator and had no qualifications to teach the subject. He was put in just to officiate, and when I saw him he informed me that he knew nothing about physiology except what he had learnt many years ago in his ordinary medical course, and would have to start to read it up. He had never done any teaching in his life. I subsequently learnt that he has been confirmed in the appointment and is now the permanent professor of this important and advancing subject.

Another time an officer was sent to officiate for 12 months as professor of midwifery and gynecology. The gynecological operations, of which many are performed in the Lahore College hospitals, are mainly abdominal. This officer had no knowledge of the technique of abdominal surgery. He admitted that he had never done an important abdominal operation. The result was that he had to leave most of the operations to his house surgeon and when he himself operated the house surgeon had to supervise and give advice; and the holder of this appointment is the *specialist* for the Province.

Even the comparatively unimportant appointments of house surgeons and house physicians, which only last for one year, are made by the Minister. These posts are filled by the recently qualified students and one would imagine that the principal and professors of the college would be quite capable of choosing, out of the applicants, the men who by their college careers had shown themselves the most suitable. The procedure, however, is that a number of names of the students of the different communities are selected

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in consultation with the physicians and surgeons and from this list the Minister makes the appointments. He does not always accept the recommendation, and in one instance, the only man who had obtained honours in surgery for the previous eight years, and whom I had selected for my own house surgeon, was turned down and a Moslem of much inferior qualifications was appointed. It was generally believed by the students of the college that the selection was made because of the political importance of the family of the successful candidate. It is true that in the end I was able to get the appointment altered but only by a personal appeal to the Governor of the Province.

Sometime before I left India I wrote to the Punjab Government (the Minister for Education) suggesting that a committee should be formed to make professional appointments in the Medical College. I suggested representatives from the University, including the Vice-Chancellor, the Medical College, and the Inspector-General of Civil Hospitals. On a vacancy occurring subsequently a committee was appointed, but it consisted of the I.G.C.H., the Principal of the College, an ex-member of the professional staff and four Indian general practitioners of Lahore city. I cannot think that this was a proper committee for such a duty, moreover the recommendations which this Committee made were not carried out by the Minister who appointed it.

#### INDIANISATION OF THE MEDICAL COLLEGES.

This is proceeding at a rapid rate, too rapid in my opinion. The Lahore Medical College, as apart from the hospital, has four professional appointments—Anatomy, Physiology, Pharmacology and Pathology. These posts are now filled by Indians.

In the hospitals of the college the European professors are being replaced by Indians as the posts fall vacant. Lahore has a large European population, yet the Civil Surgeon is an Indian and the two professorships of surgery are both held by Indians. In other words, there is no European Surgeon to operate on the Europeans in the capital city of the Punjab where most of the important surgery of the province is performed. I do not wish to reflect on the professional attainments of the holders of these appointments but I think that some attention should be paid to the wishes of

the large European element of the province.

I have not the slightest doubt that in a few years the whole of the teaching staff of the College will be Indian and in my opinion that will not be to the medical advantage of the province.

I have always held strongly that the teaching of Western Medicine is best carried on by Western doctors. The subject is after all a foreign one to India and is opposed to many of the beliefs and practices of the country. Attempts are at times made in the Legislative Chamber to start the teaching of indigenous systems of medicine in the Medical College. These attempts have up to now been defeated but in the future they may be successful, and then we shall have the spectacle of Western Medical Science, and its utter negation, being taught together in the same Government institution.

In my view so long as Western Medicine is taught in India the majority of the professional appointments should be filled by Europeans, not necessarily by any service but by the persons best qualified by their professional attainments and experience to hold them.

May I add that I have the greatest affection for India and its peoples and have never received anything but the utmost courtesy and kindness from them.

16,927. Have you any statements which you would care to make at this stage, gentlemen, or do you desire to make any corrections in your memoranda?—(Lieut.-Colonel Baird.) I have none. (Lieut.-Colonel Broome.) I have none. (Lieut.-Colonel Dunn.) I would point out that at the end of paragraph 9 there seems to be a typographical error.

16,928. That is in Memorandum 93?—Yes. The words "but would be welcomed," seem to have been missed out.

Mr. Butler.

16,929. Colonel Baird, are you aware that a certain number of posts are reserved for the Indian Medical Service in the Provinces?—(Colonel Baird.) Yes.

16,930. You refer, in paragraph 2 of your memorandum, to the fact that an existing order of the Secretary of State with regard to the reservation of certain posts could be ignored on financial grounds?—Yes.

16,931. Can you explain how that existing order can be ignored on financial grounds?—What I meant to say was this,

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[Continued.]

Sir, that in my time the existing order of the Secretary of State was that a certain definite number of Indian Medical Service Officers were to be employed as Civil Surgeons. The numbers during my time, and in the time preceding that, fell below the number ordered by the Secretary of State, I think the actual number was 25. I frequently drew attention to this and asked for more officers to fill the vacancies. The vacancies, of course, were caused by casualties, retirements, and so forth, but I was always told that I must bring the matter up again in the next year's budget and, if the Provincial Finances were better, I might get what I asked for. When I brought it up again I always received the same reply, that funds were not available for the number of Indian Medical Service Officers sanctioned at present. In my time, and in the time preceding my tenure of office, there was an existing order of the Secretary of State that a certain number of Indian Medical Service Officers should be employed as Civil Surgeons in the Province. When these numbers became less from casualties due to retirements, sickness and so on, I drew the Minister's attention to it and asked that the officers might be replaced and more officers might be asked for from the Government of India. The reply I got was that the Provincial Finances did not admit, at present, of more Indian Medical Service Officers and that I should bring the question up when the next Budget was under consideration. When I did so I still received the same reply, that these officers could not be asked for at present, their places, of course, being taken by Indians of a Provincial Service whose salaries are very much less.

16,932. Is it not true, Colonel Baird, to say that Local Governments are required under the rules to report to the Secretary of State, through the Government of India, if a Reserved Appointment is left vacant or is filled otherwise than by the appointment of an Indian Medical Service Officer?—I believe that is so.

16,933. I think it is true to say that no case has come before the Secretary of State of the type that you mentioned. No such case has occurred?—I do not know about that, Sir. I cannot say.

16,934. Can you tell me whether a report was made by the Local Government

as required under the Rule?—I am not sure about that.

16,935. Would you agree that if such a report had been made the safeguard would have been a reality?—I cannot say. It may be.

16,936. I am only dealing with the technical aspects of your memorandum and I just wanted to put to you that, in our experience, no such case, as far as we are aware, has come before us, and, therefore, that safeguard remains valid. You have mentioned at the end of your memorandum the point about Indian Medical Service Officers indulging in private practice?—Yes.

16,937. Would you care to develop that in any way for the information of the Committee?—I would like to say that many officers of the Indian Medical Service have made considerable fortunes by practising privately.

Lieut.-Colonel Sir H. Sidney.

16,938. When?—And they still do to some extent. I mention this because I think it leads to a great deal of jealousy of the Indian Medical Service by Indian practitioners. It has often occurred to me, and to many other officers, that it would be far better to abolish or limit this right to private practice, at any rate to some extent, if it would cause a better feeling with the independent profession in India. To abolish the right to private practice would be, no doubt, difficult, because I think many Indians themselves, quite apart from what the British might think about it, would be very sorry to lose the services of skilled surgeons and physicians; but there is no question that an extensive private practice does interfere with the public duties of a medical officer. The busier he is in private practice the less time he has for his public duties.

Marquess of Zetland.

16,939. Colonel Baird, has the proposal that you make, that private practice should be abolished, been before any representative body of the Indian Medical Service?—Not formally, I think, but it is a question that has often been discussed privately.

16,940. Could you give us any idea as to whether the proposal would be readily accepted by the Indian Medical Service if, in return for that concession, they retained a position analogous to the position which they hold at the present time?—I think many men would be very glad

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to enter the Indian Medical Service or any Civil Medical Service in India without any chance of private practice. A certain number of men would prefer not to have anything to do with private practice. It is a question of recruitment, I think, in the Medical Schools.

Lieut.-Colonel Sir H. Gidney.

16,941. I thought that was the great inducement for men of the present standard to enter the Indian Medical Service. I thought that was the greatest inducement to-day?—I do not agree with that.

16,942. The British Medical Association admits that in its memorandum, that it is the chief inducement, and I submit it is, and it is a good one too?—If it is the chief inducement then I think it ought not to be.

Mr. Butler.

16,943. May I turn to your Memorandum, Lieut.-Colonel Dunn? You mention the question of a Public Health Act in the first paragraph of your memorandum?—(Lieut.-Colonel Dunn.) Yes.

16,944. Is it not true to say that under present arrangements and under the proposed arrangements as they are outlined in the White Paper, Public Health is, and will be, a Provincial Subject?—Yes.

16,945 Will there not, therefore, be some difficulty, to use your phrase, in having a Public Health Act for all India binding on the Provinces?—I see no difficulty.

16,946. If there was such a Public Health Act binding on the Provinces would it not interfere with the autonomy of the Provinces in this department, and can you make any suggestion which would avoid that, while, at the same time, achieving the objects which you have in view?—I do not see quite how it could be avoided. I think I have put my reasons for the proposal fully in the memorandum, that Public Health cannot be treated in watertight departments, especially in a country like India in which epidemic disease is rife and in which it is carried from Province to Province by pilgrimages, and I think, therefore, as I have said in my memorandum, that as far as a few limiting enactments are concerned it would be for the good of the Provinces and for the good of the population of All-India if certain principles were reserved to the Government of India. At present they do reserve the

sanitation of ports, the prevention of the importation of epidemic disease from other countries, but the Government of India cannot, under the present rules, interfere with the Public Health Policy of a Province at all, with the result that epidemic disease—and in this respect I would specially emphasise cholera—is carried all over India every year, and all the efforts of the Provincial Governments to prevent the entrance of this disease into their area is nullified in every way by there being no provisions of any kind whatever to assist them in combating the spread of this disease.

Mr. Zafrulla Khan.

16,947. How would you bring the Indian States into your scheme? With regard to epidemic diseases, you will realise that epidemic diseases make no distinction between British Provinces and Indian States?—That is so.

16,948. The Indian States are not governed by any legislation passed by the Government of India on such matters?—I do not see any objection, if a Federal Government is established, to the Federal Government passing an All-India Act.

16,949. The Indian States have made it perfectly clear that they cannot make these matters Federal?—I have had great difficulty myself in dealing with it owing to the absence of any powers at present.

Mr. Butler.

16,950. Having in view the objects which you desire to achieve, which are important ones, what would be your view of a suggestion that the autonomous units should consider the matter after the new Constitution comes into force and come to some agreement between themselves?—I should consider it satisfactory, but I should not consider it as satisfactory as the Federal Government reserving to themselves powers to enforce certain minima. We do not want very much, but, if certain minima were reserved to the Federal Government, it would be to the good of the people of India in every State and in every Province.

16,951. May I refer you to your remarks about the production of quinine in India. I believe the annual production of quinine is approximately 160,000 lbs. and the annual consumption is approximately one and a half million pounds. Would it not be very difficult to make up the difference between those

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two amounts?—I think it would be very difficult and it would take a very long time, but I do not say that it is impossible.

16,952. Have you any suggestion with regard to this very serious problem of malaria and how a sufficient supply of quinine could be made available?—I have submitted one or two memoranda on this subject to the United Provinces Government already and it seems to me that it has been proved that quinine can be produced just as successfully in many areas in India and Burma as it is in Java and it only requires a similar well organised and energetic organisation for doing it to produce the same result as is now produced in Java.

16,953. Do you think it could be produced as cheaply as it is in Java?—I see no reason why it should not be.

Lieut.-Colonel Sir H. Gidney.

16,954. My Lord Chairman, I would like to ask a few questions on this matter. Colonel Dunn, you have in your very excellent Memorandum here drawn pointed attention to the unsatisfactory state of the public health of India, and you have attributed that unsatisfactory state to the want of co-ordination between the Provinces vis-a-vis the spread of infectious diseases?—Partly.

16,955. And you have advocated an All-India Public Health Act, which would bring these Provinces together, and, in that way, control the present spread of these infectious diseases. Would you contradict me if I said that there is no part of the British Empire that spends less money on public health than India?—I would not dream of contradicting you, Sir.

16,956. Then you would agree with me. Did you read the last Debate in the Legislature, when the Budget was presented this year, on the medical aspect of it?—No.

16,957. You did not?—No.

16,958. Would you agree with me that you could relegate India to some part of Central Africa so far as its Public Health protection is concerned?—I do not quite understand your implication.

16,959. I mean by that the provision of supplies for public health in India as compared with other parts of the Empire is not comparable; it is so small?—I agree to that.

16,960. Therefore, the Government of India, or the Provincial Governments, are not devoting enough attention to the

health of the country?—Nothing like enough.

16,961. In other words, our deliberations, and the deliberations of most Councils, are towards the wealth and not towards the health, and you think health should take a prior position among the Services, including the Security Services?—I do.

16,962. I agree with you. Are you aware that the Government of Australia spends nearly £2,000,000 a year or thereabouts in the prevention of diseases of this nature?—Yes, rather more than £2,000,000.

16,963. Do you know Canada devotes almost a similar amount?—Rather more.

16,964. Do you know that the smaller parts of the Crown Colonies have a sort of controlling Public Health Act with regard to infectious diseases?—Yes.

16,965. Even Ceylon?—Even Ceylon. Ceylon has a very good one.

16,966. And there is no such Act in India?—No.

16,967. Therefore, for that reason, you think that it is necessary that it should be instituted in India?—Yes.

16,968. I agree with you. I will take a case now, the case of Kumba Mela, with which you are probably very familiar. The Kumba Mela, I think, attracts to that fair nearly half a million people or a great deal more?—3,000,000. At the last Kumba Mela in 1930 there were 3,000,000.

16,969. I believe those people come from all parts of India?—All over India.

16,970. I believe you generally have either an endemic or an epidemic of cholera, or some other disease?—Invariably.

16,971. I believe you have no force by which you can co-ordinate your Provinces so as to get your suspects away from this area, where the men collect in such masses?—No. When the pilgrims come into the United Provinces, they then become subject to the laws of the United Provinces, and I am thankful to be able to say that the powers granted to me in that respect, when once they were in the United Provinces were very great.

16,972. But you may have many cases of cholera in the United Provinces from other Provinces before you exercise your powers?—From other Provinces, yes.

16,973. Therefore you say there is nothing to prevent an epidemic of cholera spreading?—I cannot prevent them coming in from Bengal.

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[Continued.]

16,974. That is why you want this Federal Act?—Yes.

16,975. You then talked about malaria, and Mr Butler asked you certain questions on malaria. Is it a fact, or is it not a fact that the Government of India have accumulated stocks of quinine, and have enough supply for the next 20 years?—I would not say that. They have, I believe, nearly half a million pounds of quinine in stock, but I hold, that if that half million pounds were applied to the purposes for which it was collected it would be expended in one year or less.

16,976. I quite agree. Is it a fact that the total annual mortality from fever of all classes in India is about four millions?—That is reported; it is not actual.

16,977. What would be the actual?—As you know, the primary reporting agency is the village chowkidar, and he is in the habit of putting down any hyperpyrexia, in the words of the vernacular, as "Bokhar," and it is classed as malaria, although a great proportion of it is not, although it may be induced by constant and chronic malaria in the villages.

16,978. I suppose if I were to make a graphic description of malaria in India in support of your quotation in your Memorandum, and suppose we had, say, 2½ million who died from malaria in India, and you put their bodies side by side, they would cover an extent from the north to the south of India, would they not?—I am afraid I cannot say that.

16,979. They would be what one would call the malaria longitude of India, and the Government of India has no power to stop that, as the Government of India?—As the Government of India they have no power whatever in the Provinces in that respect.

16,980. And the Government of India have always had to depend on the Dutch Indies for its supply of quinine?—Yes, 75 to 80 per cent.

16,981. And the Government of India have, in the past, tried to develop cinchona plantations, and failed?—Yes.

16,982. You believe the Government of India can supply all the quinine that is necessary?—I do.

16,983. Do you think that by doing that, and by the free distribution of quinine, you would improve the economic output of India?—I think the result

would be, not only the improvement of the economic output of the villages of India, but it would be an astonishing improvement.

16,984. Therefore you say that this can best be accomplished by a Public Health Act for all India?—Yes.

16,985. As regards the adulteration of food and the adulteration of drugs, you know an exposure I made, in the Assembly, of chalk that was sold for quinine?—Yes.

16,986. Quinine that was imported into the Customs consisted of nothing but chalk, and not quinine?—Yes.

16,987. You know the exposure I made of this?—It is true.

16,988. The markets to-day are glutted with spurious drugs?—Yes.

16,989. And no Province, although it has a Food and Drug Adulteration Act, has operated against it, to your knowledge?—We have tried to do so in the United Provinces, but, according to the watertight compartment regime, we could only prosecute anyone who manufactured this quinine within the boundaries of the Province.

16,990. How can you prosecute a man who sells a drug that is sent from Japan, or Germany, or England?—That is why we could not, because the Act says, that the retailer could not be prosecuted if he, in good faith, sold the article in the condition in which it was received.

16,991. Therefore the poor infected malarial man in India is being given chalk instead of quinine?—Very often.

16,992. Because there is not an All-India Government Act that would prevent this importation. Do you think an All-India Act would prevent this importation?—I think it would be certain to.

16,993. Therefore you think another reason you want an All-India Act is to prevent these spurious drugs from being imported into the country?—And imported into one Province from another.

16,994. From the Punjab in particular?—The worst place for manufacturing spurious quinine is Sindh.

Mr. Zafarulla Khan.] How does it get into the Punjab?

Lieut.-Colonel Sir H. Gidney.] From Japan, America and Germany.

Mr. Zafarulla Khan.] The Punjab has no port.



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17,037. In the bigger stations it would be very alluring with a big practice?—Yes.

17,038. Is it or is it not a fact that these big stations are always reserved for British Indian Medical Service Officers?—In the United Provinces we had practically no Indian Officers, but they were not reserved for anybody.

17,039. Am I not right when I say that these big stations were practically reserved appointments for British Indian Medical Service Officers?—Yes.

17,040. Then would it be a correct thing to say that it would be right for the Indian to resent that?—I should think so.

17,041. Therefore the Indian resentment on that score is quite a legitimate one?—No doubt.

17,042. Then do you not think it is not a question of private practice so much as the reservation of these important stations to Indian Medical Service Officers?—It may be so.

17,043. That is the whole secret?—It may be.

17,044. Regarding the Provincial Medical Services and the Civil Surgeons, you have made a suggestion here, or was it Colonel Dunn, in which it is stated that it is quite likely that one of the solutions would be, if there was a division of the Civil Surgeons. I think it was Colonel Dunn who said that in the second last paragraph of his Memorandum. His idea—that is the idea of one of the Members of the Council—was a service of Civil Surgeons consisting of 25 per cent. officers of the Indian Medical Service, 25 per cent. promoted from the Provincial Services, and 50 per cent recruited in the open market of British India?—(Colonel Dunn.) That suggestion has been made.

17,045. Do you think that would work?—I think it would. The Minister seemed to think it would. What he objected to, as I have stated in the Memorandum, was that he had no choice whatever as to what Indian Medical Service Officers should be taken into the Provincial service; that he had officers thrust upon him without any choice whatever as to who they should be. He said if the Provincial Governors had the choice as to the Officers they should employ his objections to the employment of Indian Medical Service Officers would disappear.

17,046. Would you tell me if it is a fact or not a fact that if private practice were stopped to Indian Medical Service

Officers you would get the same class of recruits who entered the Service when you and I entered it?—I am very glad to have the opportunity of answering that because I think the attraction of the service is not actually the money: it is the professional opportunity.

17,047. I quite agree with you. The opportunity gives the practice?—In the Army, in the Military Branch, the opportunities for practice are very small.

17,048. Now, Colonel Baird, when you and I entered the Service we had a very severe competition that year?—(Colonel Baird.) Yes.

Lieut.-Colonel Sir H. Gidney.] We had over a hundred candidates for a few posts.

Dr. Shafa'at Ahmad Khan.] In what year was that?

Lieut.-Colonel Sir H. Gidney.

17,049. Many years ago; I do not like to say when. I believe I am correct in saying that at that time the best man in every college and hospital in the United Kingdom had as his object the Indian Medical Service. Almost all the top boys went in for the Indian Medical Service?—Some of them.

17,050. In other words, we had the cream of the medical profession in the Indian Medical Service then?—Yes; possibly that is a slight over-statement.

17,051. We had not adulterated milk. Am I right in saying that we did attract a very good class of man for the Indian Medical Service?—Perfectly right.

17,052. I believe the recruitment for the Indian Medical Service was very keenly competed for both in England and in India at that time?—Yes.

17,053. There were innumerable coaches in London who accepted bids for coaching for the Service?—Yes.

17,054. And that competition went on to the War?—Yes.

17,055. At the War competition ceased and since then there has been no competition?—That is so.

17,056. Since then it has been by nomination, both in England and, latterly, in India annually?—Yes.

17,057. Would I be right in saying that the class of doctor who enters the Indian Medical Service to-day is not of the same type as heretofore, from a professional standpoint?—Probably.

17,058. Do you not think I would be right in saying they are not of the same type?—Probably you are right.



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[Continued.]

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Mr. R. A. Butler.

17,059. Are you aware that it has been recently announced in the House of Commons that the recruitment for the Indian Medical Service shows distinct signs of improvement during this last year?—No, I did not know that.

Mr. R. A. Butler.] Actual statements have been made in the House of Commons, and they bear out what I have said

Lieut.-Colonel Sir H. Gidney.

17,060. Is it or is it not a fact that with the inducements that are being offered to-day in England it is difficult to get a sufficient number of men to go out to India in the Indian Medical Service?—I believe so.

17,061. Although their pay is almost doubled from what it was when you and I entered it?—Yes.

17,062. Is it or is it not a fact that the type of Indian who presents himself for nomination in the Indian Medical Service qualification in India is of a higher qualification than the man who presents himself in England?—I do not know.

17,063. Would you be surprised if I told you that there were some London M.D.'s, M.R.C.P.'s and F.R.C.S.'s—the highest qualifications?

Sardar Buta Singh.] Of India?

Lieut.-Colonel Sir H. Gidney.

17,064. Yes, of India?—I did not know that.

17,065. Would you or would you not be in favour of reopening the service to an open competition?—Yes; I would certainly be in favour of that.

17,066. Do you think, if you had simultaneous examinations for the Indian Medical Service, both in England and in India, you would almost get back to the same standard of man?—Perhaps you would.

17,067. Without barring private practice or anything else or closing the civil branch?—I should doubt it very much.

17,068. Do you think if this were done it would satisfy Indian opinion and the opposition that we meet to-day, which I agree with you is very largely the result of the unfair competition in private practice between the official and the non-official practitioner, would cease to exist?—It might go some way towards it, no doubt.

17,069. Therefore, you are in favour of open competition for the Indian Medical

Service?—I have not considered it in all its bearings at all.

17,070. But do you think it would be a step in the right direction?—I really could not say without further consideration.

17,071. You have held appointments in India, Colonel Dunn, and Colonel Baird and Colonel Broome have held professional appointments. Do you think it is a right thing for any Council to debar members of the profession in India from entering the Indian Medical Service simply because they do not come up to the standard of the British Medical Council? May I explain my question. I speak subject to the correction of the Secretary of State. My question is this: At present the General Medical Council refuses to recognise the Indian medical qualifications at the Universities which, *ipso facto*, means that unless a man has a British qualification he stands a very poor chance of entering the Indian Medical Service by nomination. I know there are exceptions. Is it fair for any Medical Council so to penalise a nation as has been done by the General Medical Council so far as our degrees are concerned?—(Colonel Broome.) We should have to go back to the origin to answer that. The reason why the Medical Council refused to register Indian degrees in England was because they refused to be inspected in their examinations.

Lieut.-Colonel Sir H. Gidney.] I am not talking of the registration for practice in this country; I am talking of practitioners in India who are entering into a service in India and who are being nominated into that service in India.

Mr. Zafrrulla Khan.] But surely the qualifications for entering any particular service in India are to be laid down by the Secretary of State, and it is open to him, if he so chooses, not to rely upon the standards set up by the Medical Council.

Lieut.-Colonel Sir H. Gidney.

17,072. I said I was speaking subject to correction by the Secretary of State, because I believe that Indian degrees have lately been accepted. But do you think, Colonel Broome, that it is right for any General Medical Council to make that imposition?—I do not know that the Medical Council has done that. The Medical Council simply refuses to register Indian students who have qualified for practice in England. Their attitude is

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that they are not concerned with what goes on in India. If they could register and come to England to practice the Medical Council's attitude was "If this is the case, we must have authority to inspect examinations and see that they are up to our standard."

17,073. I quite agree with that?—That was their attitude

17,074. I have no desire to oppose it at all. That is not my point, Colonel Broome. What I am trying to point out is that since the Medical Council has refused to recognise Indian degrees from 1930 to the present time, those Members of the Indian medical profession have in a way been disqualified or they have been handicapped from entering the Indian Medical Service in India?—I think they have been handicapped, yes.

Mr. Butler.] My Lord Chairman, I will not interrupt Colonel Gidney further, because the whole of this question is under consideration. It is right to say, though, that the Secretary of State makes his own regulations with regard to this matter and is not bound by the General Medical Council.

Lieut.-Colonel Sir H. Gidney.

17,075. I am glad to know that. I quite agree with you that the Medical Council here have every right to insist upon a standard, but I was talking of India. (*To the Witness*): You know the Indian Medical Council Bill that has lately been before the Assembly?—I know it has been before the Assembly.

17,076. Are you familiar with the terms of it?—No.

17,077. Do you think that that four years' limit to the recognition of foreign and British qualifications will act adversely on British qualified men if it were in any way altered by the Legislature?—I am not familiar with the Bill. What is the four-year limit?

17,078. You are not familiar with it?—No.

17,079. Are you familiar with that Bill, Colonel Dunn?—(Colonel Dunn.) I am not.

17,080. Or you, Colonel Baird?—I know that portion of it, Sir Henry.

17,081. Do you think it would adversely affect men of British qualifications who are practising in India to-day?—There has been a certain amount of anxiety which has been expressed to me by certain possible candidates for the Indian Medical Service that at the end

of four years it will be within the power of Provincial Legislatures, medicine being under Provincial autonomy, to refuse to recognise a British qualified officer who had gone out to India, because at the end of four years it would be possible for the Legislature to debar them from registration in India.

Mr. Zafrulla Khan.

17,082. Not if there was reciprocity established in the meantime?—Not if reciprocity were established.

Lieut.-Colonel Sir H. Gidney.

17,083. Then do you think it would be advisable in the interests of all concerned that there should be a real reciprocity between the two countries so far as medical qualifications are concerned?—I think it would be one of the greatest advances for the profession in India.

17,084. And you would advocate that being done?—I would.

17,085. Now one last question, Colonel Baird. With your experience of the Indian Medical Service, am I right in saying that grave discontent exists in the minds of the Indian Medical Service officers to-day?—Yes, I think so.

17,086. And you do not think that it leads to the efficiency of the Service?—No.

17,087. Or to the administration of the Department?—No.

17,088. You know that many Committees have been held to inquire into the grievances and the arrangements of the two Services, the R.A.M.C. and the I.M.S., and none of them have been operative?—Discontent in the Services?

17,089. To effect an amalgamation between the two Services and to reorganise the Services?—Yes.

Lieut.-Colonel Sir H. Gidney.] Would you agree with me if I suggested for the consideration of this Joint Select Committee that a Committee should be appointed at once to go into the entire matter of the I.M.S. and R.A.M.C. as they exist to-day, with a view to satisfying the present officers in those Services and satisfying the professional aspirations of India?

Marquess of Salisbury.] I understand that is what the Secretary of State is doing now.

Mr. Butler.] The whole matter is under consideration, Lord Salisbury.

Lieut.-Colonel Sir H. Gidney.] No. That Committee is inquiring into something else.

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Mr. *Zafrulla Khan*.] There is no Committee inquiring into this, but the matter is being inquired into.

Lieut.-Colonel Sir *H. Gidney*.] Would you agree to a Committee being appointed to enquire into it?

Earl of *Derby*.] It is appointed; it is enquiring into it.

Lieut.-Colonel Sir *H. Gidney*.] I do not know that it is.

Mr. *Butler*.] The Government is naturally giving this matter its most serious consideration, and has been for some time past.

Lieut.-Colonel Sir *H. Gidney*.

17,090. I know that the Government has been seriously considering it, but what I ask you is this: Would you think it would be a good thing, as I have already suggested at the three Round Table Conferences, and I think Lord Zetland is familiar with my views upon this matter—if a Committee were appointed to enquire into the whole of this matter and so settle it once and for all?—Yes, I think so.

Earl of *Derby*.] A Committee to be appointed by whom?

Lieut.-Colonel Sir *H. Gidney*.] By Government.

Earl of *Derby*.] What sort of a Committee?

Lieut.-Colonel Sir *H. Gidney*.] A Committee consisting of members from this country, I.M.S. members and private practitioners from India.

Earl *Peel*.] What makes Sir Henry think that appointing a Committee will settle that matter once and for all?

Lieut.-Colonel Sir *H. Gidney*.] When I say settle it once and for all, I mean come to some decision and let their decision be acted upon rather than having Committees and no decisions acted upon at all.

Dr. *Shafa'At Ahmad Khan*.] Cannot you do that without a Committee?

Mr. *Zafrulla Khan*.] Perhaps Mr. Butler will be able to inform the Committee as to whether as a result of one of the recommendations of the Services Sub-Committee of the Round Table Conference the matter is now being pursued.

Mr. *Butler*.] That is exactly as the Secretary of State said in his evidence on the 3rd October. The matter is at present under consideration and a submission will be made.

Mr. *M. R. Jayaker*.] Is this proposal of appointing a Committee also under consideration?

Mr. *Butler*.] No, not as far as I know; but I should have thought the whole of this matter was a very suitable one for the consideration of the Joint Select Committee.

Sir *Hari Singh Gour*.

17,091. Colonel Baird, you have made a statement in the penultimate paragraph of your Memorandum to the following effect: "Reverting to the future of the Civil Medical Services, it is useless to disguise the fact that the Indian Medical Service is very unpopular with politically-minded Indians"—Yes.

17,092. What are the reasons for the unpopularity of the members of the I.M.S. with politically-minded Indians?—So far as I know, they consider that they have too many privileges, too much pay and too much emolument from private practice. That is my idea.

17,093. That is to say, they complain of the kind of emoluments and privileges enjoyed by the I.M.S.?—Yes.

17,094. Compared with the private practitioner or practitioners of equal standing drawn from the country?—Compared with private practitioners.

17,095. Is it not a fact that a great deal of the unpopularity of the members of the Indian Medical Service is also due to the fact that it consists of Britishers who, after they have accumulated experience of Indian conditions and diseases, retire very naturally to England and deprive the people of India of the benefit of their ripe experience?—I do not agree to that. They retire because they have to.

17,096. They have to retire; but is it not a fact that Indian members of the Indian Medical Service, that is to say, members of Indian nationality, when they retire, get into private practice and give the benefit of their medical advice to the people of India?—I suppose they do, yes.

17,097. In that respect the members of the British service do not compare with the Indian members of the Indian Medical Service?—I see.

17,098. That is a disadvantage to which the people of India are exposed, because your service, that is to say, the European members of the Indian Medical Service, have necessarily to retire and naturally they retire into their own country?—Yes.

17,099. Now it has been said in Memorandum No. 93 of Colonel Dunn, in the last paragraph: "The Civil

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Surgeons and Government Medical Officers could be debarred from private practice among Indians, or only be permitted to carry on a consulting practice which would mean that they would have to be called in consultation by Indian practitioners before seeing patients. These are in my experience the two strongest objections to the retention of the Civil Branch of the Indian Medical Service, and with the removal of these, would it not be a grave mistake to abolish this useful branch altogether against the desires of the great majority of the Indian people? What is your view of a reconstructed Indian Medical Service?—(Colonel Dunn.) I should have to explain it very shortly because it is a very large question.

*Chairman.*

17,100. Would you prefer to put in a Note upon it?—No; I can explain it, I think, my Lord Chairman, in quite a few words. My idea of a reconstructed Indian Medical Service would be that the needs of the Army having been met, there should be a surplus sufficient to supply a few Indian Medical Service officers for employment under Provincial Governments as civil surgeons and in the Public Health Department. In the Public Health Department they are already debarred from private practice, and the jealousy between the Service and the private practitioner does not extend to the Public Health Department at all; there are no such things as private practitioners in the Public Health Department, and I have met no jealousy between Indian members of the Public Health Department and their British colleagues. As far as the Medical Branch is concerned, I suggested that if, as Colonel Baird also advocated, private practice was debarred or very greatly limited to the Civil Branch, the objections to retaining the British element in the Civil Branch would practically disappear.

*Sir Hari Singh Gour.*

17,101. If you were to Provincialise the members of the Indian Medical Service, would you give the Provincial Government the right to employ them or not to employ them?—I would insist on a certain number being employed in each province.

17,102. Whether the Provincial Governments like it or no?—Whether the Pro-

vincial Governments like it or not, from the point of view of a reserve for the Military Branch, and from the point of view of being available to attend on the European employees of that Provincial Service, as it is a part of their contract to give free medical attendance, but for private practice among Indians I would bar them altogether, except, as I say, when they were called in in consultation by an Indian practitioner.

17,103. But would it not lead to this: It has been said in the course of evidence to-day that the Provincial Governments, represented by the Ministers, object to having members of the Indian Medical Service forced upon them, and that if they have the right of selection, or a right to refuse to employ any member, then it would be much better, rather than if a number of men of the Indian Medical Service were told off to serve in the Province, whether the responsible Ministry wanted them or not?—I give the opinion of one Indian Minister. I cannot say that other Indian Ministers would think alike.

17,104. In all your statements to Sir Henry Gidney, and to the other questioners, you have said that India compares very badly with other countries, and Sir Henry Gidney went to the length of depicting India as comparable to Central Africa, in the matter of public health. For how long has India been in this backward state?—For a very long time.

17,105. Under a benign autocratic Government?—Yes.

17,106. And it has made no headway during the long period of years during which you have served India?—I will not say that; it has made a good deal of headway.

17,107. But it is still deplorably backward?—The headway is slow.

17,108. Do you know that within the last 12 years since the introduction of the Montagu-Chelmsford reforms, the number of hospitals in India has been doubled, and that fact is noted in the Simon Report?—I think you had better address that to Colonel Baird.

17,109. Is that so, Colonel Baird?—(Colonel Baird.) Is that in the Simon Report?

17,110. Yes?—I do not know.

17,111. Apart from the Simon Report, did you know that, as a matter of fact, during the last 12 years a very large number of hospitals has been added under the impulse of Ministerial re-

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[Continued.]

sponsibility?—I think you mean dispensaries.

17,112. Dispensaries, yes?—Quite possibly they have increased, yes.

17,113. And the Ministers and the Legislatures take a keen interest in public health and public medicine?—Yes. (Lieut.-Colonel Dunn.) Yes; not a financial interest.

17,114. But there has been a financial stringency all round?—(Colonel Baird.) Yes.

17,115. And that has deprived the Ministers of the necessary resources for the purpose of implementing their programme. Is that not so?—I daresay it is. I have not been in India for the last four years.

17,116. But before four years I would ask you? I am dealing with the Ministerial responsibility from 1921 down to date?—As far as I can remember there had been no increase in hospitals up to 1929.

Mr. Zafrulla Khan.

17,117. Surely you are speaking of your own province, Colonel Baird?—Of my own province.

17,118. Would Colonel Broome confirm that with regard to the Punjab, that there had been no increase of dispensaries during the 10 years?—(Lieut.-Colonel Broome.) No; I think there has been a considerable increase of dispensaries, but no increase of hospitals.

Lieut.-Colonel Sir H. Gidney.] There is a difference between hospitals and dispensaries.

Sir Hari Singh Gour.

17,119. We will call them dispensaries and hospitals, to be on the safe side—either one or the other. You will admit that, under the impulse of reforms, since 1921 a keen and lively interest is taken in the Medical and Public Health Departments of Government?—(Lieut.-Colonel Dunn.) I do not admit that altogether. I admit the keen and lively interest, but I strongly object to being put down as having given evidence that there has been, beyond a keen and lively interest, any real improvement because, financially, it is a fact that can be easily proved from the records, that the amount of money devoted in the United Provinces to public health has decreased.

Lieut.-Colonel Sir H. Gidney.

17,120. Quite right?—And not increased.

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Sir Hari Singh Gour.

17,121. Could that be due to the fact that there is a divided purse, that the Reserved Departments take what they want and the residue is left over to the transferred Departments?—I would say it was due really to the fact that the keenest interest was taken in providing schools, and more schools, and more schools, in preference to providing hospitals.

17,122. Do you deprecate the multiplication of the schools?—I very much deprecate the multiplication of schools by the method in which it has been done to the detriment of the hospitals.

17,123. Do not you think a wider knowledge of the sanitary laws is the best preventive medicine that the people can have?—The argument I have used with my own Government is, Is it a good thing to try and ram knowledge into a lot of small boys in a village school under a tree, while you take no steps whatever to see that those boys are even going to live to be adults to enjoy that knowledge?

17,124. Your attention was drawn to the fact that in India for some time past chalk had been sold as quinine, and the Legislative Assembly passed a resolution, to which Sir Henry Gidney might bear testimony, that the importation of vegetable ghu should be immediately stopped, because it was deleterious to the health of the people, but nothing has been done so far. Are you aware of it?—I am aware of it.

Sir Hari Singh Gour.] What means have you then of enforcing the wishes of the people of India that there should be a real response to the demands of the people for an improved condition of life; for example, they should get quinine when quinine is necessary, and butter when butter is necessary, and not synthetic oil.

Mr. N. M. Joshi.] Self-government.

Sir Hari Singh Gour.] Self-government? I suppose you have no reply to give to that question? I will leave it at that.

Dr. Shafa'at Ahmad Khan.

17,125. Colonel Baird, you were Inspector General of Civil Hospitals for three years in the United Provinces?—(Colonel Baird.) Yes.

17,126. From 1927 to 1929?—Yes.

17,127. Your relations with the Ministers were cordial?—Yes, very.

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17,128. But you were diametrically opposed on certain aspects of their policy?—Frequently.

17,129. Did you represent it in any way to the Governor on the question of appointment or interference with the appointment of your subordinates?—I had some private conversations with the Governor.

17,130. Could not you do it officially through the Secretary, who sees the Governor once a week?—Yes, I could do that.

17,131. Did you do it?—Yes, I spoke to the Governor through the Secretary once or twice.

17,132. You did represent your differences with the Minister officially to the Secretary to the Governor?—Yes, many times.

17,133. And no action was taken on your representation?—The Governor would take the view that compromise was the only line to take up unless I personally was prepared to resign, and to ask an administrative officer to resign is asking a great deal of him, because he loses his pay, and he loses his extra pension, and he loses prospects of further promotion.

17,134. So you had to get along with him?—I had to get along with him somehow.

Lieut.-Colonel Sir H. Gidney.

17,135. Were you ever asked to resign?—You accept the position that you have taken up your post under a willingness to work the reforms scheme as well as you can.

Dr. Shafa'at Ahmad Khan.

17,136. Although you did not support the reforms scheme in many aspects?—I knew nothing about it, or very little about it, until I took over the post of Inspector-General.

Lieut.-Colonel Sir H. Gidney.

17,137. Were you asked to resign?—No, I was not asked to resign, but I should have resigned, strictly speaking, many times.

Dr. Shafa'at Ahmad Khan.

17,138. What is your experience, Colonel Dunn, if I may ask?—(Lieut.-Colonel Dunn.) My experience on the whole was that my relations with the Ministers were exceedingly amicable, but I agree with Colonel Baird that I looked upon it that I was there, as an Executive Officer of Government, to carry out the policy of

the Government whether I agreed with it or not.

17,139. Sometimes you did agree with him?—I very often agreed with him, and even if I did not, if it was the policy of the Government it was my business to carry it out.

17,140. What is your experience of the United Provinces Legislative Council? Did it ever turn down your budget, or reduce it substantially?—Never.

17,141. Did it turn down any proposal made by you for the development of your Department in any of its aspects?—I think Dr. Shafa'at Ahmad Khan knows the procedure as well as I do.

17,142. I am not speaking of the procedure, I am speaking of what actually occurred?—The procedure was that many of my proposals were turned down because they never reached the Council, because the Minister was afraid that he might not get a majority if he wished to carry the proposal.

17,143. I am asking you only about the Council. I am not speaking of the Finance Committee of the United Provinces Council. The proceedings are confidential; I cannot quote them. Did the Legislative Council ever turn down any of your proposals?—The Legislative Council never turned down any major proposal of the Ministers.

17,144. Colonel Baird, what is your experience of the Legislative Council, so far as the Medical Department is concerned?—(Colonel Baird.) Certainly there were cuts occasionally.

17,145. Substantial cuts?—Not very large cuts perhaps, but there were cuts.

17,146. In many cases they were only token matters to discuss policy. They were not substantial cuts?—Quite so.

17,147. So you will agree with me that, so far as the Council itself was concerned, it did not reduce substantially the budget of the Medical Department?—The budget of the Medical Department, no, but it does not follow that the Minister puts up all the proposals of his Inspector-General or Director of Public Health, as Colonel Dunn said.

17,148. I am only speaking of the Legislative Council. We did not know at all what happened inside?—No.

17,149. We only knew what the proposals were in the Council itself?—Yes.

17,150. Then, Colonel Baird, may I take it, so far as you were concerned as head of the Department, your relations with the members of the Council also

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were quite harmonious?—Quite harmonious.

17,151. What do you say, Colonel Dunn?—(Lieut.-Colonel Dunn.) Quite so.

17,152. I should be justified in saying that the Council as a body co-operated with you in making your schemes a success? It was not factious opposition?—Is that addressed to me?

17,153. Yes, to you, Colonel Dunn?—I would say that the Council as a rule carried out and voted for the proposals of the Minister.

17,154. Which were mainly your proposals?—Not always.

17,155. "Mainly," I said?—Mainly.

Mr. N. M. Joshi.

17,156. May I ask one question at this stage? Is it not a fact that besides the Minister there is a Finance Member in every Province, and it is quite possible that the Finance Member, instead of the Minister, turned down the proposals?—That, very often, happened.

Dr. Shafa'at Ahmad Khan.

17,157. A number of your proposals which were supported by the Minister were rejected by the United Provinces Finance Committee and never came up before the Council?—That I am aware of.

17,158. Colonel Baird, you have said that the local bodies have interfered unnecessarily with your work so far as the control of the Department is concerned. Do you know under what conditions the local bodies have worked since they were reformed—Municipal Boards and District Boards?—(Colonel Baird.) I know something of them.

17,159. What is your experience of the financial difficulties they have experienced?—You mean the District Boards?

17,160. We will take them separately. Take the District Boards. Do you know anything about the working of the District Boards?—A little, yes.

17,161. Do you know that they have very inelastic sources of revenue; that they have got a very large district to look after; in one district a population of 3,000,000, and that they have to depend, to the extent of 45 per cent. of their revenue, upon the Government grant, and they have to spend, and do spend, 50 per cent. of their entire on education?—That hardly explains why, before 1922, the Boards were better—at least I think they were.

17,162. Better in what respect?—That there was more money available for the Medical Department and other Departments, and more practical interest and work done for them.

17,163. So far as the Medical Department is concerned, Colonel Baird, you must have looked at the memorandum supplied by the United Provinces Government to the Simon Commission, and there they explain the reason for the rise in expenses of Medical Supplies and also of the increase in the prices of the necessities of your department. Have you read that paragraph?—I have read it at some time or other.

17,164. The United Provinces Government presented a memorandum to the Simon Commission in which they explained the difficulties of the Local Bodies, District Boards and Municipal Boards, in the United Provinces, and they said that the resources, particularly of the District Boards, were inelastic, and, in the second place, they said that the fact of the increase in prices of medicine, and so on, had considerably added to the difficulties of these bodies. I do not think you have taken that into account. The third factor, Colonel Baird, is the enormous expenditure incurred on education, the District Boards spend 50 per cent. of their entire income on education. The roads, public health, medical relief, and all the other necessities of life have to be provided out of the balance of 50 per cent., so when you sent up your budget to a District Board and desired anything to be done they had to take into account the needs of various departments—the construction of roads, the building of schools, the starting of various schemes of rural sanitation, and so on?—Yes.

17,165. Then, Colonel Baird, you have mentioned the waste involved in the establishment of the unani system of medicine?—Yes.

17,166. Do you know the Unani system of medicine claims adherents among a very large body of educated Indians at the present time?—Yes.

17,167. Would you be surprised to know that the Hindu University at Benares and the Muslim University at Aligarh have two magnificent colleges specialising in a modified and modernised system of Unani medicines which you have condemned?—That is what I complain of.

17,168. What is your contention?—My complaint is that very large sums of money are spent on these colleges and



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schools in fostering these ancient systems, as I said in my Memorandum.

Sir Hari Singh Gour.

17,169. Are you in favour of osteopathy?—I did not mention it in my Memorandum, but I can tell you all about it if you like.

17,170. It is not an orthodox system. Are you in favour of it?—How do you mean in favour of it?

17,171. Do you regard that as an orthodox system of medicine?—It does not claim to be a system of medicine; it is a technique.

Dr. Shafa'at Ahmad Khan.

17,172. Colonel Baird, are you aware of the fact that the expenditure on the Unani system constitutes only one-tenth of the expenditure of the whole department?—If it was only one-hundredth I should still complain.

17,173. And are you aware that the Legislative Council unanimously approve of the Proposal to have an indigenous system of medicine in various schools?—Unfortunately, that is so.

Dr. Shafa'at Ahmad Khan.] There are a number of Indian Medical Service Officers who believe in it also.

Sir Hari Singh Gour.] They would be struck off the rolls of the Medical Council if they did.

Dr. Shafa'at Ahmad Khan.

17,174. There is one I.M.S. officer I know of?—That is a very good thing. Once he is a qualified medical man he can believe in what he likes and practice what he likes.

17,175. Would you turn to your Memorandum where you have got this paragraph beginning "There is however another subject seldom discussed to which I must allude, and that is, the very low standard of medical ethics which exists in India"?—Yes.

17,176. That is based on your professional experience in the United Provinces?—Yes.

17,177. And you think that for this purpose, if for no other purpose, you need a very strong infusion of the British element in the Indian Medical Service?—Yes. That is one of the reasons I should give.

17,178. Are you aware of the fact that there are about 300 Indian doctors practising in England?—I should think so, yes.

17,179. And that they have got flourishing practices. There are 100 here

in London and 200 in other parts of Great Britain?—Yes.

Earl Winterton.] They do not practice ancient Hindu systems in England?

Dr. Shafa'at Ahmad Khan.] No.

Mr. Zafarulla Khan.

17,180. Colonel Broome, in view of the references that you have made in your Memorandum with regard to certain professional appointments, would you consider that this power of selecting and appointing to these offices should be vested in an independent Public Service Commission rather than that it should remain in the hands of a Ministry?—(Colonel Broome.) Yes, I should.

17,181. And you would consider that system satisfactory?—Yes, I think it would be.

17,182. I am aware, Colonel Broome, that you were not directly in charge of the Public Health Department in the Punjab, but perhaps you can give some information to the Committee, if you happen to possess it. Can you inform the Committee when a separate Public Health Department was set up in the Punjab?—I think it was in 1921 or 1922.

17,183. Under the Reforms?—I am not sure. I cannot give you the date.

17,184. Would I be correct in suggesting that for the first time a separate Public Health Department was set up in the Punjab under the Reform system?—(Lieut.-Colonel Dunn.) No. (Lieut.-Colonel Broome.) No, I think it was set up in Colonel Foster's time. He was very largely instrumental in it.

17,185. He was the officer, but was not it after the Montagu-Chelmsford system of reforms?—I cannot say definitely.

17,186. Somewhere about then—just before or just after?—Just before or just after. (Lieut.-Colonel Dunn.) Might I interpose as, being a Public Health officer, I know the facts of this?

17,187. Certainly?—There was a separate Public Health Department in the Punjab since, I think, the year 1867.

17,188. Was there a Director of Public Health?—He was known as the Sanitary Commissioner. The title was altered.

17,189. When was a Director of Public Health first appointed in the Punjab?—The title of Sanitary Commissioner was altered to Director of Public Health in the year 1922, I think.

17,190. This is the point of my question. Since then has there been a deterioration or has there been a good deal

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of expansion in the Punjab in the Public Health Department?—There has been expansion.

17,191. Could you give the Committee some idea with regard to the number of Medical Officers of Health, both in municipalities and in the District Boards which existed before the inception of the reforms, as compared with those that exist now?—There were no District Medical Officers of Health at all before the reforms.

17,192. Every district now possesses one for the district and one for the headquarters of the district?—In the Punjab?

17,193. Yes. All my questions refer to the Punjab?—That is correct.

17,194. Therefore the expenditure on this department in the Punjab was, during the first 10 years after the reforms, as compared with the expenditure on this department for the 10 years before the reforms, considerably more?—The 10 years before the reforms included the war period, in which the expenditure went down very considerably.

17,195. Take any 10 years before the reforms and compare them with 10 years after the reforms?—I cannot say exactly with regard to the expenditure in the Punjab, but I know, in the United Provinces, the expenditure did not go up. During the 10 years before the reforms, in fact I may say from the year 1906, the expenditure in the Public Health Department in the United Provinces was considerably greater.

17,196. True, Colonel Dunn, you have said that already with regard to the United Provinces and I had not forgotten it. It was for that reason that I was asking questions with regard to the neighbouring province?—That needs explanation. The matter of dealing with the great epidemic of plague which came into India early in this century was at first administered by the Medical Departments, and, subsequently, in the year 1919 or 1920, this particular branch of prevention of disease was transferred, and rightly so, to the Public Health Departments, so that the expenditure before the war was shown in the medical budgets and not in the Public Health Budgets, but if the expenditure on anti-plague work is taken into account, as it was Public Health work, the expenditure in the pre-war 10 years was considerably greater than in the post-war 10 years.

17,197. For the simple reason that there has been comparatively little plague

in the post-war 10 years?—No. The organisation although slightly changed, was broadly the same. There were fewer outbreaks of plague in the post-war 10 years and the deaths from plague amounted to something like 60,000, 70,000 or 80,000 per annum, which was considerably less than in the pre-war period, but the number of officers and the organisation employed in the pre-war period was very great indeed, and there were no District Medical Officers of Health. In the post-war period there was no special department for dealing with one particular disease, such as plague. That was abolished and, instead of that, was brought in the permanent system of District Medical Officers of Health. The expenditure was less. Before the War, Indian Medical Service Officers were employed and in the post-war period it was Indian Officers of the Public Health Departments.

Lieut.-Colonel Sir H. Gidney.

17,198. The difference in pay being?—Very considerable.

Mr. Zafrulla Khan.

17,199. So that according to yourself, this reduction in salaries owing to the employment of Indian Officers instead of Indian Medical Service Officers does not mean a reduction on the actual preventive activities of the Department?—Not in the number of personnel employed.

17,200. But you will admit (again I am confining my questions to my own Province because I have not any detailed knowledge of other Provinces) that the whole organization of the Department of Public Health after the Reforms in the Punjab, whatever it may be due to, is better and on a larger scale than it was before the Reforms?—That I quite agree to.

Marquess of Salisbury.

17,201. Of course, the whole object of you three gentlemen is to help forward the health of India? That is your main interest, of course?—(Colonel Baird.) Yes.

17,202. That is the object of your evidence?—Yes.

17,203. I think it was Colonel Broome who said that he has no doubt that when the White Paper is carried into effect there will be a total Indianization of the Medical Services. Is not that what he

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said?—(Colonel Broome.) Actually I was referring to the appointments in the Medical College.

17,204. Yes, I beg your pardon. It was Colonel Baird then who felt there would be a very great loss of British personnel?—(Colonel Broome) I think so.

17,205 And you think that would be very unfortunate?—Yes.

17,206. Not because you have got any prejudice against Indian Medical Officers, but as you think the medical science has come from the West and is professed in the West, they are more likely to keep up a high standard than the Indian Medical Officer would?—Exactly.

Earl Winterton.] Do you say that medical science has come from the West?

Marquess of Salisbury.] We need not go back so very far.

Earl Winterton.

17,207. I want to know the answer. I did not hear the answer. In reply to Lord Salisbury, the answer was, I think, that medical science came from the West?—Modern medical science, perhaps I should have said, came from the West. Medical science came from the East, if you go back three thousand years.

Marquess of Salisbury.] You do not want to go back as far as that, Lord Winterton.

Earl Winterton.] If Lord Salisbury asks me my opinion, I think a great deal of the medical science of to-day is based upon what was known three thousand years ago.

Marquess of Salisbury.

17,208. Of course, we keep in mind the fact that the whole of this matter is under consideration by the Secretary of State, and all that you want to do is to make representations, I suppose, partly to the Joint Select Committee but also to the Secretary of State, as to what the changes should be. Is not that so?—Yes.

17,209. On a perfectly friendly footing, of course?—Quite.

17,210. I think it was Colonel Dunn who thought that the recommendations of the Services Sub-Committee of the Round Table Conference would have a very disastrous effect?—(Colonel Dunn.) I think so.

17,211. Because the effect would be to prevent the proper recruitment of British Medical Officers?—Yes.

17,212. Why do you think that?—Because I think there would not be the

same inducement to officers to enter the Indian Medical Service, if the civil branch were abolished as proposed by that Sub-Committee.

17,213. I do not want to press you about the question of the ethical standard of the Indian Medical Service, neither do I want to dwell too much upon improper appointments, because there are improper appointments made all over the world, of course, but in your evidence you do show, Colonel Baird, that in your experience there have been a good deal of improper appointments under the pressure, as you think (you may be wrong, of course) of the Minister under the Montagu-Chelmsford Reforms?—(Colonel Baird.) Yes. The Minister is constantly asked to do things for his friends which are totally opposed to what the Head of the Department considers right.

17,214. I mean, such matters as asking for certificates and things of that kind. In those cases pressure is put upon you?—That is another question, is it not? You were talking about pressure being brought to bear upon the Minister in the matter of medical appointments?

17,215. Yes, quite so. As far as that is concerned, what you complain of is that the Minister does not take your recommendation; his motive is not as pure as it ought to be, if I may put it in that way?—He is not able to say no.

17,216. But also I think you said that a great deal of pressure was sometimes put on Medical Officers as to the evidence they give in certain cases and as to the certificates they should grant?—Yes.

17,217. And you think that if that pressure were exerted upon Indian Medical Officers it might have an unfortunate effect?—Yes; the standard is utterly different in India from what it is in England.

17,218. In what respect do you mean?—Dr. Shafa'at Ahmad Khan was just going to draw my attention to the fact that there were many Indians practising medicine in England. I would not for one moment suggest that those officers would be more likely to accept a bribe than an English doctor, but in India the atmosphere is totally different. Everybody tries to get what he wants by bribery, and the Medical Department is particularly subject to these influences of bribery.

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Mr. M. R. Jayaker.

17,219. Do you mean to say that the Indian atmosphere is full of the impulse to bribe?—Yes.

Lieut.-Colonel Sir H. Gidney.

17,220. Only the medical profession?—Oh, no.

Mr. M. R. Jayaker.

17,221. Would you say the same about the British medical profession?—I think the medical profession in India is more subject to these kinds of influences than other professions.

Dr. Shafa'at Ahmad Khan.

17,222. And they are invariably Indian, are they not?—Not invariably, no. I have been myself approached frequently.

Marquess of Salisbury.

17,223. Now I only want to ask just one question of Colonel Dunn, if he will allow me. I was much struck by your evidence that you thought there ought to be much more Central control for public health in India?—(Colonel Dunn.) Yes.

17,224. I think one of the Indian Delegates asked you whether that would be possible in harmony with Provincial autonomy. Was not a question of that kind put to you?—Yes.

17,225. You thought that it was quite possible, notwithstanding Provincial autonomy?—Well, who has defined Provincial autonomy?

17,226. Your attention has been called to the fact that a good number of subjects even under the White Paper are reserved for the Central Government?—Yes.

17,227. Such a thing as traffic in arms and ammunition?—Yes.

17,228. And the cultivation and manufacture of opium?—Yes.

17,229. So that it would not be altogether out of harmony with the establishment of autonomy in the Provinces if certain very important things were still reserved for the Central Government?—I quite agree. I think that even Provinces themselves would not object in any way to a co-ordinating Public Health Act for their own benefit, because it would be quite impossible to confer that benefit without a co-ordinating All-India Act.

17,230. The difficulty being that public health does not respect frontiers or borders at all. One infection passes

across from one Province to the other, and therefore there ought to be some Central control?—Yes.

17,231. I understood that to be your view. Would you think that public health is of such transcendental importance, especially to these vast masses of population, that every effort should be made, if possible, to co-ordinate public health all over India?—Yes.

Marquess of Zetland.

17,232. I only want to ask one question of a rather general nature, but one which really touches the foundation of the whole matter. The witnesses have referred to the Report of the Services Subcommittee of the First Round Table Conference, and they dissent from the proposals made by the majority of the Committee, because they say that under the scheme there proposed the requisite number of medical officers of the calibre required could not be obtained. That, I understand, is their objection to that scheme. I was a member of that Committee, and I dissented from the Report on those very grounds. But the witnesses also admit that the Indian Medical Service as at present constituted is very unpopular with what they have described as the politically-minded classes. The question therefore that I would like an answer to, if I could get it, would be this: Can you suggest a scheme which will have the effect that you desire, namely, that of securing for India an adequate number of sufficiently qualified British medical officers, which will at the same time be acceptable to the Indian politically-minded classes?—(Colonel Baird.) Are you addressing that question to me, my Lord?

17,233. I do not mind who answers it. I would be only too glad to have a solution of the problem from anybody?—I think that what is wanted, is what I suggested in my Memorandum. I made a tentative kind of suggestion that you should endeavour to recruit a service of enthusiastic men who were lovers of science and not lovers of money; who would consent to accept moderate pay and fairly good prospects, in return for very excellent opportunities of work. As Sir Henry Gidney pointed out just now, one of the great inducements that are held out to young medical men to go out to India is that they will make a lot of money. In my opinion that is quite the wrong sort of inducement to hold out. There is an enormous amount of work,

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both in the curative medicine side and the public health side, and in education and research, which has to be done, and what is wanted is a type of man who will be content to do that and not bother with private practice at all. Many hundreds of men I know would infinitely prefer not to have anything to do with private practice.

17,234. Then your suggestion so far is that the conditions of the Indian Medical Service should be altered to this extent, that its members should be debarred from private practice?—Wherever possible. There would be places, possibly, where you could not quite debar them.

17,235. I agree there might be exceptional cases; but, generally speaking, you would lay down that the conditions of service should be changed in that respect. Now a question that I want to ask you on that is this. Are you satisfied that you would get the men you require under those conditions?—I think you would. I do not know what the British Medical Association thinks about it, but I know of no reason why you should not get those kind of men.

17,236. That covers that aspect of the matter. Then are you satisfied from your experience that an Indian Medical Service recruited on those conditions would be acceptable to the politically-minded classes in India?—I think it would certainly be more acceptable. I think it would be acceptable.

17,237. Perhaps that is a question that I should address to the members of the politically-minded classes themselves?—(Colonel Broome.) Might I say that, as Sir Henry Gidney has pointed out, there is not a large amount of general practice in India; it is confined to a few cities. I quite agree with Sir Henry Gidney that the average civil surgeon does not make more than 100 or 150 rupees a month. I do not think that that can account for the jealousy of the politically-minded classes. The average member of the I.M.S. makes very little more than his pay.

17,238. I am glad to hear that opinion. Then the final question, arising out of that, would be this. I understand from what has been said this afternoon that one of the real reasons why the I.M.S. at the present time is so unpopular with the Indian politically-minded classes is that the officers are imposed upon the Provincial Governments, whether they wish to have them or not; but I cannot

see how you are going to get over that difficulty and at the same time maintain an adequate reserve for the Indian Army?—(Colonel Dunn.) I put that in my Memorandum, and I would like to point out that it is perfectly easy to carry out. If in a Province—take my own Province, the United Provinces—the requirements for the reserve for the Army and for attendance on the wives and families of the British Officers still serving in India would amount, we will say, to 20. Instead of these 20 Officers being sent by the Government of India from the Army Department to take up these civil posts, I think that the Provincial Governments should be given a choice from the Officers available for that purpose, in exactly the same way as at the present moment the Inspector General of Civil Hospitals in each Province is appointed by the Province having the choice of three Officers.

17,239. I see that; that certainly seems to be an advance in the direction of meeting the views of the Indian Provincial Governments. But let me see that I quite clearly understand your proposal. You would still say, would you not, that in each Province there must be a specified number of I.M.S. Officers?—The Services Sub-Committee of the First Round Table Conference has admitted that; but they proposed to substitute certain European medical officers engaged on contract to replace the I.M.S. Officers. My point is, why replace an approved and efficient service with great traditions and a great standard of efficiency by makeshifts in the way of officers engaged, say, for five years, with a return passage?

17,240. I quite see your objection to the proposal, but what I wanted to be quite clear about was your own suggestion. I understand your own suggestion to be this, that the I.M.S. should remain as it is at present, except that perhaps the conditions of service should be altered in some respects, namely, that private practice should be debarred. Then you would say to each Provincial Government: "You are to reserve so many posts in your Province for members of the I.M.S.," and, having said that, you would then say to them: "Now, here is a list of the Medical Service Officers available. Make your choice from this list." Is that your proposal?—That is my proposal. The number, I may point out, is large. Some-

14<sup>o</sup> Novembris, 1933 ] Colonel R. F. BAIRD, Lieut.-Colonel [Continued.  
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where about 250 officers are employed in civil employ; and there is a very large number of officers in military employ with their names down for employment in civil employ; and the list of officers could easily be made available; instead of as now, the Director General advises the Government of India that such and such an officer may be released for a Province in the Punjab; that officer is sent. The Provincial Government has got no say as to whether his name was Jones or Smith, or as to what he was. I say they should be given a choice.

Lieut.-Colonel Sir H. Gidney.

17,241. Would you apply the same policy as regards the war reserve of the I.M.D. in civil medical employment?—Yes.

Lord Hardinge of Penshurst.

17,242 I suppose the Director General keeps back the best officer for his own service?—No. The Director General in this respect is merely a post office. The officers are employed in military service under the Director of Military Services in India who has complete control of the military medical officers. The Director General merely applies to the Director of Military Services for an officer for a certain Province, and the Director of Medical Services (he is the head of the Army Medical Services) says: "You may have Captain Jones."

17,243. Because he does not want Captain Jones himself?—He has no say in the matter. Captain Jones is available, and he is pushed into the Province where there is a vacancy.

Miss Pickford.

17,244. I want to ask whether the attendance on the wives and families of British officials is private practice or not?—(Colonel Baird.) Attendance on the wives and families of British officials in civil employment is private practice; in military employment, it is public duty.

17,245. Then your proposal to debar the civil surgeon from engaging in private practice would also debar the wives and families of British officials from attendance by the I.M.S. officers?—No. I would say they would have to do that as part of their public duties, if there were any alteration of the existing rule. They would continue to do it exactly as they do it now, but they would not get paid for it.

17,246. Then your proposal is that the I.M.S. officer should do that without

additional fees as part of his ordinary duties?—Yes, exactly.

17,247. And you would not wish, in debarring him from private practice, to debar the wives and families of British officials from his attendance?—No, certainly not.

17,248. That point is not made clear in your Memorandum, is it?—No.

Archbishop of Canterbury.

17,249. May I just interject there to ask this? You speak only of British officials. Does what you say apply to British residents in India as well?—Only to the families of officials, I think. British residents would have to have some other arrangement, I should say.

Earl Peel.] It does not apply to business people.

Lord Eustace Percy.

17,250. Am I not right in thinking that Colonel Dunn in his Memorandum only proposes that the bar against private practice should be a bar against private practice among Indians?—(Colonel Dunn.) Yes. What I proposed was that they should not be allowed private practice among Indians; but they should be allowed consulting practice. That means that they would not have any such consulting practice unless called in by an Indian doctor.

17,251. But they would be able to do private practice among Europeans?—Yes.

Miss Pickford.

17,252. Then do you think, with that reservation, the objections that are felt by the politically-minded Indians to the I.M.S. would be removed?—I certainly think so. I think it might not remove all their objections; but I know that these two objections have been voiced to me many times as the strongest objections to posting of the I.M.S. officers to civil employ. They said that it was an unfair advantage given to a subsidised Government servant to take the bread and butter out of the mouths of the private practitioner who had no official salary to fall back upon.

17,253. You think they would not so much mind if those doctors could practice amongst Europeans, but not practice amongst Indians?—I do not think any Indian practitioner wishes to fitch the British patients from the British doctor.



14<sup>o</sup> *Novembris*, 1933.] Colonel R. F. BAIRD, Lieut.-Colonel [Continued.  
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Lord Irwin.

17,254. Might I ask one question to clear up a point arising out of Miss Pickford's questions? Colonel Dunn has said quite clearly that he would consider under his scheme allowing the civil surgeon to continue to serve the wives and families and the rest of all European residents. I understood Colonel Baird to say that he would retain that permission for civil servants and soldiers. Did he mean to limit it to that, or would he mean also, although he did not say so, to go as far as Colonel Dunn would?—(Colonel Baird.) I should say that in communities where there were a large number of English residents they would have to make their own arrangements for medical attendance, like planters now do. In Calcutta and Bombay, and other large towns, there are already English practitioners who are not in the Service.

17,255. Therefore, in those places do I understand you to say that you would contemplate prohibiting the I.M.S. from attending to private European patients?—Yes.

Earl Winterton.

17,256. Then the converse of that would be that in places where there were only two or three unofficial Europeans, they would be permitted to have the use of this Service?—Yes.

17,257. It would be a little difficult to draft that in an Act of Parliament, would it not? Would you have a numerical basis?—I have not quite followed the question.

17,258. Would you have a numerical basis? Would you have hard and fast rules? Would you say that in Town A, where there were 50 Europeans, they should not be permitted to use this Service, but in Town B, where there were only three or four Europeans, they should be permitted to use the Service? Would you put hard and fast rules in the Act?—I think you would have to have a rule, with certain exceptions, according to the size of the place, certainly.

Marquess of Salisbury.

17,259. You do not suggest that all this should be put into the Constitution Act?—No, I have not gone as far as that.

Marquess of Salisbury.] I understand it would be under rules.

Earl Winterton.] Yes, under rules. I am sure I made that clear.

Sir Austen Chamberlain.

17,260. May I put one other question just to get the proposal exactly in my mind? What I understand the witness to contemplate is that, in the first place, the Indian Medical Service Officers would have their duties enlarged to attending on the wives and families of officials?—Yes.

17,261. And that attendance would be covered by their salary?—Yes.

17,262. They would take no fees?—No.

17,263. He further, as I understand, holds that where there is a large British community apart from the official community they can make their own arrangements for a doctor?—Yes.

17,264. But there are certain cases where the members of the non-official British community are so small that they would be unable to maintain a doctor among them by such practice as they offer?—Yes.

17,265. And that in that case the Indian Medical Service officers should be allowed to practise among them?—I think in a case like that, certainly, you would have to make an exception.

17,266. That brings me to this question: In that case do you propose that they should give their services without fees to those people or, alternatively, that a fee should be charged, but accounted for to Government?—It might be done in that way, certainly, but I should think it would only affect a very few people in most cases. Perhaps it might be allowable, in a case like that, to make an exception and allow the officer to charge a fee.

Mr. M. R. Jayaker.

17,267. May I pursue that question a little further? How would it work? Take a place like Bombay or Calcutta or Madras, where there are a large number of European private residents; whom would you class under European—only British, or Italians or Germans and other people who come from Europe? Do you mean European residents or do you mean merely the British community?—I had not thought of that, but I should think they would have to make their own arrangements.

17,268. Supposing they made their own arrangements and they called in a Civil Surgeon and it was a place where, according to your suggestion, he was prohibited from practising among the British community, if you leave them to make their



14<sup>o</sup> Novembris, 1933.] Colonel R. F. BAIRD, Lieut.-Colonel  
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[Continued.]

own arrangements you leave them to call in the Civil Surgeons?—I would not allow them to call in the Civil Surgeons.

17,269. Do not you think they would have a grievance in that case?—I think perhaps they would.

Archbishop of Canterbury.

17,270. I was much impressed by some of the arguments in favour of certain aspects of Public Health being Central rather than Provincial subjects. Could one or other of the Witnesses indicate whether there are certain branches of the subject of Public Health that would be specially suitable for Central Legislation as distinct from others?—(Lt.-Col. Dunn.) The most suitable branches of Public Health for Central Legislation are undoubtedly the prevention of epidemic disease, the control of the adulteration of food and drugs and—well there is no “and”—because malaria is also an endemic and an epidemic disease, but the control of malaria is the greatest problem in India at the present day, the economic output of the people being so continually reduced by disability from malaria, not the actual death rate from malaria but the fact that practically every inhabitant of large tracts of India gets malaria every year and suffers, consequently, from reduced vitality for several months during the year—untreated malaria.

17,271. You feel that there are certain broad subjects which could be included in a General Public Health Act?—Yes.

17,272. One other question. Does your proposal mean merely legislative control, not administrative control, from the Centre in the Provinces?—I think it means also administrative control, because it means that certain inspecting officers from the Centre should be empowered to see that the legislation has been carried out.

17,273. If legislation is Central, why may it not be left to the proper officers in the Provinces to carry out that legislation?—Because, in my experience, legislation—we will take the Municipal Acts lays down certain obligatory duties on Municipalities with regard to Public Health, and in my experience, these obligatory duties are not carried out unless someone from the headquarters of Government is continually inspecting and keeping them up to the mark. That is one of the reasons for having such officers as Directors of Public Health.

Lord Irwin.

17,274. Might I ask a question arising out of what the Archbishop has put? What would be Colonel Dunn's view as to the desirability of having Public Health treated as one of the subjects for which the Central and the Provincial Legislatures could legislate concurrently, enabling the Centre to legislate on matters which they thought were required, as proposed in paragraph 114 of the White Paper?—There is no reason why that should not be done, my Lord.

Sir Austen Chamberlain.

17,275. That would go a long way to meet you, would it not?—It would.

17,276. You understand that, under the White Paper proposals in the field of Concurrent Legislation the Federal law overrides the local law if the two are in contradiction?—Exactly.

Earl Peel.

17,277. I think you wanted administrative control as well, you said?—The present position is that the Public Health Commissioner of the Government of India had to write and ask my permission to come into the Province. He has no duties and no powers whatever of any kind. He used to write a polite letter and say: “May I come down and see such-and-such of your activities,” and then go away thanking me for my courtesy. That is the position at present.

17,278. I thought you said to Sir Austen Chamberlain that it would go a long way to meet you if there were concurrent powers of legislation on Public Health questions?—Yes.

17,279. I gather you think it would be ineffective without administrative control as well?—I think there should be an inspecting control.

Miss Pickford.

17,280. Arising out of that, do you require the administrative control—the inspectorate control—to be Central or Provincial?—Central.

17,281. You do not think the powers of the Director in the Province are sufficient?—I do not—not in respect of such epidemic diseases as cholera, which know no provincial boundaries. The invisible line is crossed in hundreds of places without administrative control to co-ordinate the activities of two contiguous Provinces.

17,282. If you have a Central Act do you still think the administrative control

14<sup>o</sup> November, 1933.] Colonel R. F. BAIRD, Lieut.-Colonel [Continued.  
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in the Province to carry out that Act would be insufficient?—It would be insufficient in places where the infectious disease overlaps the Provincial boundary. It might be necessary for the Central control to co-ordinate the activities in dealing with an epidemic which might be on the borders of two Provinces. I have had personally to deal with that in the United Provinces and Bihar and Orissa, where the boundaries are contiguous with an invisible line, and with the disease passing backwards and forwards and no activity going on on one side of the invisible line to supplement and help the activities going on on the other side.

17,283. If it was an obligation on the Director of Medical Services in each of those Provinces to carry out a Central Act, would their powers still be insufficient?—I think so. We have enormous numbers of people who carry infectious disease by rail; and railways, I take it, would be a Central subject.

The *Aga Khan*.] Dr. Shafa'At Ahmad Khan will put my questions, my Lord Chairman.

Dr. Shafa'At Ahmad Khan

17,284. Colonel Dunn, your object, I suppose, is co-ordination, is it not?—Yes.

17,285. Does it necessarily involve control?—I think I explained as to how it would be possible for two contiguous Provinces with a Director of Public Health to control cholera travelling by rail.

17,286. Supposing you have an inter-Provincial Council of Health which met at Delhi and Simla and discussed questions of common concern, and supposing the inter-Provincial Council arrived at certain principles concerning the whole of India, would not it be possible to attain what you desire on a voluntary basis of this kind, rather than on a basis which will completely emasculate Provincial autonomy?—I do not agree that it would completely emasculate Provincial autonomy.

Dr. Shafa'At Ahmad Khan.] That is what we think on this side.

Mr. R. A. Butler.

17,287. I put this question to you at the very beginning of the evidence to-day and you said you thought there would be a chance of agreement between the autonomous units on these matters?—Yes, but I should prefer something other than a chance agreement.

Lord Eustace Percy.

17,288. Colonel Dunn has spoken about inspection. As he will admit, an Inspector is no good unless above the Inspector there is some administrative authority with the authority to issue orders. Does Colonel Dunn mean that there shall be at Delhi a Director-General of Public Health who can issue instructions to the District Officers on either side of the indivisible line, and, if he does not propose that, what does he propose?—I do propose that. I say it because railways, I take it, are to be a Central subject. I may say that in running a Kumbha Mela at Allahabad to which Sir Henry Gidney referred, this question arose, as to who was to control the whole organization which we put into force, and the Chief Medical Officer of the East Indian Railway, which as far as the United Provinces are concerned, is an autonomous body, said to me that the only thing that could possibly be done was that he would order all his officers to take my orders and he would put himself under my orders; otherwise, we could not come to a successful conclusion.

17,289. There is this distinction here. You can give to a Federation powers to control inter-State traffic, by which you could control the question of Kumbha Mela movement from place to place—you could give powers to a special Federal Service, but in the case of controlling an epidemic of cholera on the borders of two Provinces you would be obliged, as you say, to give a Federal Officer power to give orders to the Provincial service. I am not opposing your idea, I like it; but can you help me to see how that would in practice work as an administrative problem?—It works in the Union of South Africa and it works in the Commonwealth of Australia.

17,290. Does it work in the Commonwealth of Australia?—Yes.

17,291. How does it work?—The powers for controlling infectious disease are vested in the Central Government.

Mr. M. R. Jayaker.

17,292. May I pursue this question, a little further, Colonel Dunn? You necessarily imply that the Central Government should have power over Indian States. Supposing pursuing your analogy of an indivisible line: there are British Provinces and an Indian State is between. I suppose you will want equal power over sanitary affairs in

14<sup>o</sup> Novembris, 1933.] Colonel R. F. BAIRD, Lieut.-Colonel  
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[Continued.]

the Indian State in order that that should be completely successful?—Exactly.

Dr. Shafa'at Ahmad Khan.

17,293. May I put one more question? Colonel Dunn, do you know of the arrangements that are in force now among the different States of Europe for the prevention of infection, for instance, in Switzerland?—Yes, I have a working knowledge of them.

17,294. Could you tell me what the arrangements are, very briefly indeed?—They are on a voluntary basis. The various European states arrive at general agreements for the prevention of infection and they are carried out. If anybody wishes to go from one European state to another in the presence of infectious disease he has to have a certificate as to having been examined, vaccinated or inoculated, as the case may be, before he is allowed to enter that state, or he is kept in quarantine for 10 days. We have exactly the same thing in India. No Indian or European can go into Ceylon for any purpose whatever when cholera or plague are epidemic, or who comes from any district in which it exists, without having been examined, inoculated or vaccinated and quarantined for six days. That is the rule now.

17,295. And the States and Switzerland make these arrangements among themselves?—Between the States and Switzerland, no.

Lieut.-Colonel Sir H. Gidney.

17,296. Colonel Baird, in view of the importance of your opinion as regards satisfying the political-minded Indian against the Indian Medical Service by depriving him of practice to a certain extent, is that opinion your own individual opinion or the opinion of retired Indian Medical Service Officers, or the opinion of the Service? Is it your own opinion?—(Colonel Baird.) It is my own opinion.

17,297. Colonel Dunn, would you be in favour of a Minister of Health in the Federal Government?—(Colonel Dunn.) I have advocated it for years.

17,298 A Minister of Health?—Yes.

Sir Reginald Craddock.

17,299. I want to ask about this private practice. I do not think you all agree as to debarring consulting practice; that is to say, I think some of you would allow a civil surgeon to be called in as

consultant by an Indian medical practitioner to an Indian patient of his. That often happens, does it not?—(Colonel Baird.) Yes.

17,300. They are called in by the Indian practitioner in consultation. You do not want to debar that, do you?—(Colonel Dunn.) I do not. (Colonel Broome.) I do not want to alter that at all. I think the public ought to be allowed to call in consultants if they want them. Why should they be deprived of what is possibly the best knowledge in the country?

17,301. I wanted to get it clear that that was the opinion of at all events two of you on that subject. I suppose in your own experience you have often yourselves been called in on such occasions?—Yes, most of my time I have been consulting surgeon, and I should consider it was very hard on the people of the country that they should be deprived of anybody's special knowledge.

17,302. You will find perhaps that Indian patients and the Indian practitioner call in the British doctor often in cases when the ladies of their houses are ill?—Certainly.

17,303. Is not that fairly common?—Yes, quite common.

17,304. That is in Northern India?—Yes.

17,305. I wanted to verify that because when I was last in India I was informed by one of the Indian Members of the Madras Council that that was the case very frequently?—Yes.

17,306. I was there on the Lee Commission, and I was just talking to him privately regarding the Indian Medical Service, and that is what he told me—that very frequently British Officers were called in to attend the ladies of the family. I am glad, therefore, to hear that you verify that from your experience of Northern India, too. There is only one other question I wanted to put to you, as there is so very little time. We heard a good deal about the neglected state of medicine to the multitude in India, but is it not one of your experiences that in all these vast masses of rural areas where the hakims and baidas are employed, it would be almost impossible for them to call in Government doctors except as sub-assistant surgeons in charge of dispensaries?—That is the case, is it not?—Yes.

17,307. In fact, I suppose you have known many cases, as indeed I have, in which the patient and his relatives call

14<sup>th</sup> November, 1933.] Colonel R. F. BAIRD, Lieut.-Colonel C. L. DUNN, C.I.E., and Lieut.-Colonel H. H. BROOME. [Continued]

all these people in together. They take the medicine of a baid or a hakim, one day, and the sub-assistant surgeon's treatment another day, and so forth. Have you not come across that?—(Colonel Baird.) Yes, I have heard of it.

17,308 And there is also rather a tendency sometimes for the British Indian Medical Service Officer to be called in when a patient is practically moribund?—That is my complaint.

17,309. That is to say, if you had been called in earlier it would have been very much better?—Exactly.

17,310 Then, of course, it is very common for a baid or a hakim to say that it was the British doctor who finally polished off the patient?—Yes.

Lord Rankellour.

17,311. I have not a great deal to ask. Colonel Dunn, you realise that port quarantine is a Federal subject?—Yes.

17,312. And you see no insuperable difficulty in applying the Federal system of Federal Officers to internal quarantine, sanitary quarters, and so on?—I did not propose Federal Officers for the Provinces. I merely proposed certain control over certain Officers.

17,313. The port quarantine officers would be Federal Officers?—They are Federal Officers or under central control.

17,314 Then you notice among the Provincial subjects there is control of alcohol, drugs and narcotics; would you reserve all that to the Central Government?—Yes.

17,315. Would you be satisfied with the setting up of a board corresponding to the General Medical Council here?—I think it is a necessity.

17,316. That is subject to certain restrictions on existing practitioners or practitioners in the next few years, and ultimately an appeal in certain cases to the Governor-General?—Yes.

17,317. And you think that is a satisfactory arrangement?—I think it is very satisfactory.

17,318. Now we have been told about the numbers of the Indian Medical Service, some of whom are on military duty and others of whom are on civilian duty, but I think I understood that the Military Authorities think it necessary to have a reserve and that is supplied by the present number of Indian practitioners?—Yes.

17,319. Does the number of practitioners which the Military Authorities

regard as necessary for the reserve correspond more or less with the number required for civilian purposes?—(Colonel Baird.) The answer is that it does

Sir Austen Chamberlain.

17,320. May I put one question with regard to the last answer? I think you said that it corresponded more or less exactly with the number employed on civilian duty. You do not mean that the number required for the reserve is the same as the number engaged in civilian practice, do you? I understood that the number in civilian practice covered those required for reserve and the necessary minimum that must be left over?—It would depend upon the size of the emergency. More men would, of course, be wanted for a great war and very few for a small frontier war.

Sir Austen Chamberlain.] But I was trying to get at the basis upon which the number of civilian appointments were calculated, and I thought it was that the basis was that there should be enough to supply, or, it was thought, a sufficient reserve on mobilisation, and to leave the minimum required for civil practice.

Mr. R. A. Butler.] I think that is borne out by the actual figures. There are at present 302 officers in civil employment, 200 of the latter forming a War Reserve.

Sir Austen Chamberlain.

17,321. So that would be a third of the number outside the War Reserve at present?—Yes.

Lord Rankellour.

17,322. Do you think, therefore, that the number of civil appointments is greater than the Military Authorities think necessary for their purposes?—I could not say that.

17,323. But I thought it was elicited that there were these numbers outside the War Reserve in civilian employment?—What actually happened in the Great War was that nearly all the men on civil duty were taken for military purposes and very few were left, but they had to retain some.

17,324. That was a margin for what I may call civil contingencies in the case of the Great War?—Yes.

17,325. If it had been a little earlier I was going to ask you what were these two Indian traditional medical systems,

14<sup>th</sup> Novembris, 1933.] Colonel R. F. BAIRD, Lieut.-Colonel  
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but I will only ask now: Are they irreconcilable with Western allopathy?—Yes, they are quite irreconcilable with Western knowledge.

Dr. Shafa'at Ahmad Khan.

17,326. All of them?—Yes, I think so.

Lord Eustace Percy.

17,327. Just two small points. I do not know if I ought to ask this: May I ask how far the United Provinces, about which we have heard most, is a typical province so far as expenditure on public health is concerned?—(Lieut.-Colonel Dunn.) In the United Provinces the population is 49,000,000. It is the second biggest Province in India. I believe Bengal has about 500,000 more population, and the expenditure on public health in the United Provinces (the provincial expenditure) amounts at present to between 19 and 21 lakhs of rupees. In the Punjab, with a population of 29,000,000, the expenditure is very nearly as great. In Madras the expenditure is very much greater.

17,328. In Bengal?—In Bengal the Public Health Department spends very little provincially, as it has been decentralised more or less, making the District Boards responsible for their own Public Health, with very bad results.

17,329. Is it true (I ask for information, although I have an impression) that the expenditure per head of the population for public health and Medical Services in the United Provinces is less than in any province in India, except possibly Bihar and Orissa and the Central Provinces?—I think that is correct.

Dr. Shafa'at Ahmad Khan.

17,330. Has not your expenditure fluctuated, sometimes about 19 lakhs, at other times about 30 lakhs?—The expenditure is generally due to Government grants for large schemes such as drainage and water works, but the normal expenditure on the routine work of the Department has fluctuated very little.

Lord Eustace Percy.

17,331. I wanted to ask Colonel Broome a question. He has very strong feelings about University appointments by the Minister. Have you read the Report of the Punjab University Commission?—(Lieut.-Colonel Broome.) No, I have not.

17,332. You cannot answer my question? I wanted to know whether a recommendation had been made by that Commission to place those appointments in the hands of the University? You do not know?—No.

Earl Peel.

17,333. I want to ask just one question: We have been speaking about private practice, and these Civil Surgeons, and so on. In your experience I suppose it is true that a number of these families, I will not say of officials but of non-officials, live at such distances even from a Civil Surgeon that it is difficult in many cases for them to get the services of their own doctors?—(Colonel Baird.) Yes.

17,334. And, even with the services you have got, the cadre of the Civil Surgeons is very small?—Yes.

17,335. I am asking from the point of view of the patient rather than the doctor?—Yes.

17,336. And, from the point of view of the patients, they are rather hardly served in that way, are they not?—Yes, they are. There are very few of them nowadays outside large stations.

17,337. So many people find it some hardship to get a doctor?—Very great hardship.

17,338. I would like to ask you one more point. You talked about drawing away the private practice from these civil surgeons when they transferred to the Army, but, in your case, would withdrawing the opportunities of private practice have a serious effect or not on the quality of the recruiting for the Indian Medical Service?—That is rather difficult to answer. I think you would have to recruit a special type of officer. Certainly, as we said before, private practice has acted as a lure to draw men to India, especially in the old days, 30, 40 or 50 years ago, but, nowadays, private practice to any extent is limited to the large cities practically, and I do not think it would be a great hardship to abolish private practice altogether, except in exceptional cases.

17,339. It might be not a great hardship, but do you still think you would get first class men going out with that limited opportunity?—Yes, I think you could.

[Chairman.] Thank you, gentlemen. We are very greatly obliged to you for giving evidence here.

(The Witnesses are directed to withdraw.)

Ordered, That this Committee be adjourned to to-morrow at Five o'clock.

## SUB-COMMITTEE A

DIE LUNAE, 17<sup>o</sup> JULII, 1933

Present:

Lord Hutchison of Montrose.  
Major Attlee.  
Sir Reginald Craddock.

Mr Davidson.  
Lord Eustace Percy

DELEGATES.

Sir P. Pattani.  
Sir Hari Singh Gour.

Dr. Shafa' At Ahmad Khan.

The Lord EUSTACE PERCY in the Chair.

Mr. H. L. CHABLANI and Rai Bahadur HIRANAND KHEMSING are called in, and examined, as follows.

Lord Eustace Percy.

A1. Mr. Chablani, you are Joint Secretary of the Executive Committee of the Sind Hindu Conference Committee?—(Mr. Chablani.) Yes.

A2. And Dean of the Faculty of Arts in Delhi University?—Yes.

A3. I think you were also the leader of the Deputation of the Sind Hindu Association before the Statutory Commission?—Yes.

A4. Rai Bahadur Hiranand Khemsing, you are in the legal profession, and you are a Zamindar I think?—(Rai Bahadur Hiranand Khemsing) I was in the legal profession, but am not now. I am at present a Zamindar.

A5. And you were President of the Hyderabad Municipality for a number of years?—Yes.

A6. Gentlemen, we have your Memoranda of Evidence before us, and it is as follows:

### MEMORANDUM 39 BY THE SIND HINDU SABHA AGAINST SEPARATION OF SIND FROM THE BOMBAY PRESIDENCY.

With reference to a brief statement of "The Case against separation of Sind from the Bombay Presidency," submitted by the Sind Hindu Sabha, 100 copies of which are sent herewith in compliance with the cable received in India from your office on the 20th of May, we have the honour to invite attention to the fact that this statement is merely a convenient summary of the broad facts of the question, and that, for the proper appreciation of the issues involved, it is necessary to refer not only to the officially published literature on the subject (which in this case includes the relevant portions of the Bombay Government's memorandum prepared for the Indian Statutory Commission, the reports of the Committees appointed by the Bombay Legislative Council, and the Indian Central Legislature to assist the Simon Commission, together with the notes by Dr. Ambedkar and Sir Harising

Gour, the report of the Indian Statutory Commission and the evidence led before it by the Sind Hindu Association, the proceedings of the Sind Sub-Committee of the Indian Round Table Conference, the report of the Sind Financial Enquiry Committee, Mr. Brayne's report on the Sind Conference and the full proceedings of the Sind Conference), but also to the following non-official publications:—

(1) "Financial Aspect of the Separation of Sind from the Bombay Presidency," published by Mr. H. L. Chablani in 1927.

(2) "Separation of Sind from the Bombay Presidency" (a rejoinder to K. B. Mahomed Ayooob S. Khuhros' story of the sufferings of Sind), published by Mr. H. L. Chablani in 1928.

(3) "The True Facts Regarding the Separation of Sind from the

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Bombay Presidency," published by the Executive Committee of the Sind Hindu Conference Committee in reply to the mis-statements made by the separationists at the Indian Round Table Conference.

(4) The written statement on the financial consequences of separation of Sind presented by Mr. H. L. Chablani to the Sind Financial Enquiry Committee (particularly pages 10-18).

(5) An address by Mukhi Gobindram Pritamdas, Chairman of the Reception Committee of the Sind Anti-Separation Conference (1932).

(6) An Address by Sardur Sampuran Singh, President of the Sind Anti-Separation Conference and a member of the Sind Sub-Committee of the Indian Round Table Conference (1932).

(7) A criticism of Mr. Brayne's report of the Sind Conference issued by the Executive Committee of the Sind Anti-Separationists Conference (1932).

2. At the very outset we desire to emphasise the fact that the decision of His Majesty's Government to constitute Sind into a separate Governor's Province in the new Indian Federation with a *subvention* from the Federal Government, is not only *against* the recommendation of the Bombay Government, the Bombay Legislative Committee, the Indian Central Committee, the Simon Commission, the Nehru Committee, Sir Purushotamdas's Committee, the Indian National Congress, the All-Parties Conference at Lucknow, and the Indian Round Table Conference, but has been made in the teeth of opposition of the Hindu minority in Sind, supported by almost the entire Indian Press, including Anglo-Indian journals like *The Times of India*.

3. It should be further remembered in this connection that even the *conditional* recommendation of the Sind Sub-committee of the R.T.C. in favour of the principle of separation was an *ex parte* decision secured by misrepresentation of facts and fallacious arguments, which, in the absence of any Hindu member from Sind, went unchallenged. For instance, statements were freely made at the meetings of the Sind Sub-committee that "95 per cent. of the people of Sind are for separation of Sind" (Lpp. 73), that "it is a demand by Sindhis, including Europeans and everybody" (Lpp. 19), that "the

overwhelming majority of the people in Sind want separation, not only the Mussulmans, but the Hindus and Parsis and Europeans and others" (Lpp. 29), "that the most enlightened community, though they are a handful in Sind, the Parsees, have been urging the separation of Sind" (Lpp. 4), that "on this question there is virtually no difference of opinion between the Hindus and Mahomedans of Sind," that "Hindus were the first to be in favour of separation," that "Seth Harchandrai, the greatest leader we have had in Sind, and a Hindu," made a representation to the Right Honourable Mr. Montagu that Sind be separated, that he moved at the Indian National Congress of 1913 a resolution for the separation of Sind from Bombay (pp. 22-3), and that "he protested again and again, in resolutions passed by the Indian National Congress, urging upon Government to separate Sind" (pp. 22-3), and that "the demand was pressed by Sind Hindus in a deputation to the late Mr. Montagu and Lord Chelmsford when the current Reforms were on the anvil," that the question "has been mooted from time to time, and the Hindus were the first to be in favour of the separation of Sind," that "in earlier years there was no controversy about it at all, as shown by my friend on the right, that Hindu, Parsis, Europeans and Mushims, not only in Sind, but outside Sind, and all agreed that it was an injustice to Sind to keep her tied to the apron strings of Bombay" (p. 27), that in 1922 Sir Montagu Webb headed a deputation of Sindhis and waited on the Governor of Bombay, threatening that if they were not properly dealt with, they would ask for "a separation," that "non-official Europeans, headed by Sir Montagu Webb, are in favour of separation," and that European officials in Sind favour separation but "owing to official etiquette, they cannot commit themselves in this connection." Each of these statements is either wholly devoid of truth, or at best a gross misrepresentation of actual facts; and ample proofs in support of this serious charge will be found in the Introduction (page 3), Chapter I, "Are Parsis and Europeans in favour of Separation of Sind"; Chapter II, "The Hindu attitude regarding Separation"; and Chapter III, "The Past History of the question of the pamphlet on 'The True Facts Regarding the Separation of Sind from the Bombay Presidency,' fifty copies of which are submitted herewith to enable



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each member of the Parliamentary Committee to see for himself the extent to which grossly unfair advantage was taken of the absence of the other side at the R.T.C. to misrepresent the true facts and mislead the members of the Sind Sub-committee into committing themselves in favour of the principle of separation of Sind from the Bombay Presidency. Attention is invited to the review of the past history of the question, supported by documentary evidence contained in Chapter III of this pamphlet, which clearly brings out the fact that up to 1920 the leading Hindus and Muslims of Sind, jointly pressed for the repeal of the Sind Commissioner's Act, which meant a more complete amalgamation of Sind with the Presidency proper and that the present agitation for the constitution of Sind into a separate Province was initiated and fostered by the All-Indian Muslim politicians outside Sind, with a view to make Sind a pawn on the chess-board of Communal politics in India.

The main arguments advanced in favour of separation of Sind at the meeting of the Sind Sub-Committee were, firstly, that Sind was not really a deficit province, but was shown to be a deficit area by manipulation of figures by the Bombay Government and Mr. Chabiani, and secondly, that Sind was badly neglected by the Bombay Government. The financial fallacies of the Muslim Separationists are examined in detail in para. 2, chapter IV of the "True Facts Regarding Separation," and have now been fully exposed by the expert Sind Financial Enquiry Committee, which has shown that the Presidency has been spending annually on Sind nearly one crore more than the revenue from Sind. In the face of this, the second charge likewise falls to the ground, for the Bombay Government cannot be justly accused of neglecting Sind when it has been spending on it nearly 50 per cent. more than its revenue. A detailed examination of four specific allegations in this connection will, however, be found in para. 3, pages 49-57 of the pamphlet referred to above. If further proof is needed of the immense progress made by Sind under the administrative connection with Bombay for the last 80 years, it is furnished by the contrast between Sind in the days of the Talpurs and Sind to-day, a brief reference to which is made on page 1 of "The Case Against Separation." In this connection

a presumption was drawn against the Bombay Government from the mere fact of "the geographical isolation of Sind from Bombay and the difficulties of communication between the two," owing to which it was alleged that "Sind does not depend on Bombay to any extent," that "once in a blue moon some question crops up as regards Sind which is discussed or debated in the Legislature," that "the Bombay Government cannot govern Sind from such a distance." But a careful consideration of the facts will show that there is not much substance even in this line of attack. In almost every major province, there are places between which and the Headquarters it takes as much time to travel as between Karachi and Bombay. Secondly, the difficulties of communication between the two has of late decreased considerably, so much so that the Bombay Legislature Committee, of which Sir Shah Nawaz Khan Bhutto was the chairman, definitely stated that "with the changes which have taken place during the last few years the delegation of powers (under the Sind Commissioner's Act) is no longer necessary." At the present time Sind has a regular service of three different means of communication with the Headquarters, by air, by sea and by rail, which few divisions of other provinces can boast of. The Bombay Government has all along supported the demand for a more direct railway route to Bombay, and thanks to their persistent efforts the Government of India have recently approved of the demand for a shorter and quicker railway route between Sind and Bombay, so that even this grievance will be removed at an early date, whether Sind is separated or not. Thirdly, the allegation that because of the distance, the heads of departments in Bombay and Poona are unable to get first hand knowledge of the conditions in Sind, and are ignorant of the local conditions, is untrue, in as much as the Bombay cabinet has always included not only a non-official from Sind, either as Minister or Executive Councillor, but also one or two civilian members who have served in Sind for quite a long period. Finally, the instances given on page 54 of "The True Facts Regarding the Separation of Sind from the Presidency" will conclusively show how baseless is the statement that "only once in a blue moon some question crops up as regards Sind which is discussed or debated in the Bombay Legislature."

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There remains to notice the implied application to Sind of the linguistic principle of redistribution of provinces to India. Three points are worthy of notice in this connection. In the first place, the case of Sind is not being considered as a part of a general scheme of redistribution of provinces on any principle, linguistic or otherwise, as was definitely recommended by the Simon Commission, for then the merits of all alternative schemes of amalgamation, such as the suggestion of amalgamating Sind with Panjab, or a part of the Panjab will have to be considered. Secondly, the linguistic principle in the form in which it is usually stated is inapplicable to Sind, for, as pointed out by the Sind Hindu Association in their memorandum to the Simon Commission, the case of Sind is materially different from that of Orissa or Karnatic. There is no question of bringing together, under one administration, people speaking the same language but now scattered about under different administrations; the Sindhi speaking people are already under *one* administration. The administrative divisions of the Bombay Presidency are even at present *linguistic areas*. Sindhi is, as far as possible, even now in Sind, the medium of instruction in primary and secondary schools; it is the language of official business and of law courts, quite to the same extent as it would be in a separate province of Sind; and so far as Sindhi language can aid a special variety of culture, traditions and literature, the administrative connection of Sind with Bombay does not act in any way as an obstacle to its development. Bombay does not propose to interdict the use of Sindhi language, or use its political power to force Gujrati or Marathi on Sind. Nor will any rational Government in a separate province of Sind forbid the use of Gujrati in the business world of Karachi, or as the medium of instruction in some schools at Karachi and in Thar and Parkar District. The transformation of a *linguistic* division into a province will bring about no change whatever in these important respects, and therefore all this philosophy of benefits from linguistic provinces is wholly irrelevant to the main issue. Thirdly, the linguistic principle is, as was pointed out by the Simon Commission, only *one* among the many factors in the problem, and all the over-riding administrative, financial and political considerations, which in the opinion of the Simon Commission must

prevail against it, exist in the case of the Sind.

4. The facts and the arguments referred to above will, it is hoped, be considered sufficient to prove that, for from there being "an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there," as the Sind Sub-committee of the Indian Round Table Conference was led to believe by false representations, no adequate reason exists for severing the administrative connection that has continued for more than 80 years, and proved to be so beneficial to Sind. But apart from this negative aspect of the case, there are very serious administrative, economic, financial and political reasons against the proposed change. The real smallness of Sind in area, population and financial resources, the economic difficulties of an undeveloped small province owing to the smallness of the security it can offer for development loans, the fluctuations in its total revenues, and the consequent uncertainty of the security it can offer for its loans, and the less insurance it will have against risk of failure for its development schemes, and the administrative objections against constituting Sind into a separate Governor's Province, were first pointed out by Mr. Chablani on pages 1-3 and 13-17 of his pamphlet on the "Financial Aspects of the Separation of Sind from the Bombay Presidency," a copy of which is submitted herewith. Some of these were supported by the Bombay Government in their memorandum prepared for the Simon Commission, and considered sufficiently weighty to justify their "strong opposition" to the constitution of Sind into a separate province and to make the proposal "both impracticable and *undesirable*." The Bombay Legislative Committee (including its chairman, Sir Shah Nawaz Khan Bhutto) came to the definite conclusion that "the administrative difficulties are real and cannot be ignored," while the Simon Commission were of the opinion that "there are *grave* administrative objections to isolating Sind and depriving it of the powerful backing of Bombay before the future of Sukkar Barrage is assured." Even after the Round Table Conference, the Sind Financial Enquiry Committee were compelled incidentally to admit two serious disadvantages of the proposal, as the following extract from their report will show:—"Top-heaviness is almost inevit-

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able in a province so small as Sind will be. That the cost of constituting a separate Government for a comparatively small area is inevitably disproportionately high, is, in our view, a fact which cannot be controverted, and which must be squarely faced when the arguments for and against separation are being weighed" (para. 431). . . . We contemplate that, in certain cases, Sind will be unable to maintain a cadre of officers of its own, and will be forced to the expedient of borrowing men either from the Presidency or from some other province. We realise the cogency of the argument that any such system is unsatisfactory from the point of view of the Government of the Province, since naturally, they cannot have the same control over officers who are merely lent for a period, and whose future advancement does not lie in their hands, as they have over their own permanent servants, *but this is a disability which must, we think, be faced.* We would make it clear that our proposals in this regard are framed not in the interests of the officers in question, but entirely in the interests of efficient administration. It is impossible to secure an even flow of promotion if the total number of men borne on a cadre falls below a certain point; a very small departure from the normal scale of casualties, such as would hardly affect a large cadre, will result, in a small one, either in a complete block in promotion, with the result that senior officers have to be retained in junior posts, or in undesirably accelerated promotion, junior officers being promoted to senior posts before they have the experience necessary to enable them to fill them efficiently. Moreover, these effects are complementary, a block in promotion almost invariably entails accelerated promotion as soon as the block clears, and *vice versa*. Where, therefore, the number of officers required for a service is small, or where, as in the case of the judicial cadre, it is impossible to obtain, in the junior appointments, the kind of experience necessary to enable the duties of the higher ones to be efficiently discharged, we can see no *alternative* to resorting to the expedient of borrowing officers of the required qualifications from elsewhere." (Para. 44.)

It has to be remembered further that the expert financial enquiry committee has in their estimates merely assessed the cost of separation, and made no estimate of the cost of "independent in-

stitutions of all kinds for the new Province" (para. 46), so that Sind will have to depend on the generosity of other Provinces, not only for its higher education and research to a greater extent than Assam, which has been bitterly complaining of being the only Province in India without a University of its own, and without a single college for the training of teachers or for higher education in agriculture, Veterinary Science or medicine (*Vide* pp. 6-7 of the Volumes of the Reports of the Provincial Committees attached to the Simon Commission), but also for its Borstal Jail (p. 56), its Police Training School (p. 57), its reformatory school and school of arts (p. 59), its Director of Industries, Industrial Engineer, and Industrial Chemist (pp. 63-4), and its Consulting Architect (p. 65). The undesirability of such a state of affairs will easily be realised by those who know the difficulties of securing admission of students from the Delhi Province into the professional and technical institutions of the neighbouring Provinces of the Panjab and the United Provinces. The special administrative difficulties connected with the Sukkur Barrage which will cover three-fifths of Sind, were pointed out to the Simon Commission, both by the Sind Hindu Association and the Chief Engineer of the Sukkur Barrage, who summed up his views in the sentence: "The whole difference between success and failure depends on the strictness, efficiency and impartiality of subsequent administration, and if I may mention it, it is a very difficult thing in a country like Sind—far more difficult than it is in the Bombay-Deccan." Their importance was emphasised by Mr. Brayne in para. 37 of his report on the Sind Conference, and the need of making some special arrangements to meet these difficulties seems to be implicitly admitted by the authors of the White Paper, which includes the administration of the Sukkur Barrage in Sind among the "special responsibilities" of its future Governor—an arrangement which will either break down if the Governor is a weak man, or reduce provincial autonomy to a farce if he is a strong and assertive personality.

To sum up, the final picture of the administration of the proposed Province of Sind, which emerges from these considerations, is an undeveloped Province with small and fluctuating revenue resources, with a small credit in the open market or with the Federal Government

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for raising loans to cover its deficits or to develop its resources, with no control over its higher officers borrowed from other Provinces, or over the Barrage which will cover three-fifths of its area, and dependent on unreliable outside generosity for higher education and research. It is difficult to imagine how the creation of such a Province will mean an improvement on the existing connection with Bombay, from the point of view of the political ambitions of even the Sind Muslims; for, as an important group with weightage of representation on the Bombay Council, they will be able to influence and control the administration in the *whole* of Sind in *all* questions of major policy far more effectively than under the proposed arrangement. To the Hindus of Sind it means a double loss, they will not only lose their share in the amenities, the credit, and the increased power open to the Hindu majority in Bombay including Sind, but will be relegated as an ineffective minority in a Council with limited powers of control over the greater part of Sind and with little or no capacity for developing Sind.

5. The financial objections were upheld by the Sind Financial Enquiry Committee and Mr. Brayne, and are presumably no longer denied. And, as has been pointed out in the "case against separation," if the British Government were to adhere to the resolution of the Sind sub-committee, endorsed by the Indian Round Table Conference and professedly accepted at one stage by the Prime Minister, or the Muslims were to honour the statements made by their leaders at the meetings of the Sind Sub-committee of the R.T.C., and the All Parties Conferences, the question should now be closed; for this resolution, according to the authoritative interpretation given by its chairman (Lord Russell) in reply to a specific enquiry by Sir Phiroze Sethna, during the sittings of the Committee and agreed to by Sir Shah Nawaz Khan Bhutto himself, meant that "*if Sind cannot show that it can successfully stand on its own legs, the separation does not take place.*" (Vide p. 87 Proceedings.) The Muslim demand of a subvention from the central Government at this stage amounts to a repudiation of all the emphatic assurances given in the Sind Sub-committee as to Sind's ability to stand on its own legs—assurances on the strength of which alone even the principle of separation had been accepted by the R.T.C. For some unaccountable reason, the British

Government has rewarded the party guilty of this breach of faith by accepting the unreasonable demand for a subvention. The whole episode is unworthy of the high tradition of justice and fair play built up by generations of Britishers in the past, and has created a most painful impression on the Hindu mind.

Even the promised subvention by the White Paper does not, however, solve the financial problem. In the first place, it is temporary, and no future national Federal Government attempting to do justice to all Provinces would tolerate it for any length of time, for statistical calculations show that in the decade 1912-21 the average *income per capita* was the highest in Sind among the Indian Provinces, and that in 1928-29 it was higher in Sind than in any other Province except Bombay Presidency proper, that the expenditure *per capita* on nation-building activities in 1930-31 was higher in Sind than in any other Province except in Bombay, and that the percentage of taxation *per capita* in 1930-31 to the total income *per capita* in 1928-29 was substantially lower in Sind than in the Panjab, Madras, Bombay Presidency (excluding Sind), United Provinces, Central Provinces and Berar, and the N.W. Frontier Province. (See the statistical Tables in Mr. Chabiani's paper on the Federal Financial Committee and Provincial Contributions, a copy of which is sent herewith. Exhibit VIII.)

Secondly, a subvention of 80 lakhs a year will not be *enough* to cover the *initial* deficit of Sind on the date of separation, for a careful scrutiny of the latest available figures will show that Mr. Brayne's estimate of the initial deficit on 1st April, 1933, the assumed date of separation, has already gone wrong by several lakhs. As the Hindu members of the Sind Conference point out in a note printed as Appendix G to Mr. Brayne's report, "The revenue receipts in 1930-31 and the Revised Estimates of 1931-32 are lower than the basic figures assumed by the Miles Committee by as much as 24 lakhs, while the expenditure in 1930-31 exceeded the committee's basic figures by 2.3 lakhs." In spite of this fact, and notwithstanding the warning given by the expert committee, that by their basic figures of income and expenditure, they "*do not altogether mean a budget estimate for the year 1933-34,*" (Para. II of their report), Mr. Brayne has adopted as the basis of his estimate of the *initial*

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deficit in the year 1933-34, the "basic figures" adopted by the expert committee under all heads of revenue, except Excise (see Appendix A or his report). For instance, in spite of the committee's *explicit* statement that under Land-revenue, "with matters as they now stand, it would not be in the least safe to budget for more than about 90 lakhs for 1933-34" (*vide* page 36 of their report), and with the information available to him that according to the accounts of the latest year (1929-30) for which complete figures were compiled, the Land-revenue collections amounted to only 91.28 lakhs, Mr. Brayne persisted in assuming a figure of 102 lakhs for Land-revenue in 1933-34. Subsequent figures, now available, have fully justified the estimate put forward by the three Hindu members of the Conference, the Accounts for the year 1931-32 showing the Land-revenue collections to be only 92.41 lakhs. Similarly, Mr. Brayne has assumed for Excise receipts 29 lakhs a year, against the committee's basic figures of 33 lakhs, while the actual for 1930-31 and 1931-32 are only 25.79 lakhs and 25.66 lakhs respectively. The receipts from Stamps are estimated by Mr. Brayne at 20 lakhs, while the actuals for 1931-32 are only 16.89 lakhs. Moreover, Mr. Brayne's statement that 80.5 lakhs "is a reasonable estimate of the probable *initial deficit* of Sind on a date assumed for present purposes to be 1st April, 1933," is very misleading, for a glance at the figures given on page 27 of his report will show that even on the basis of the figures assumed by him, the *initial deficit* amounts to 91.45 lakhs, of which 11 lakhs are to be covered by additional taxation in the form of a new cess on Land-revenue, and 80.5 lakhs by a subvention. In addition to these manipulations, Mr. Brayne has reduced the expert committee's estimate of Sind's liability for pension charges from 16.5 lakhs to 9 lakhs a year *without pointing out any mistake* in the actuarial calculations of the expert committee on the basis of a wrong analogy, as has been pointed out on page 8 of the pamphlet "A Criticism of Mr. Brayne's Report of the Sind Conference." He has further effected a cut of 4 lakhs under interest and repayment of debt by proposing what really amounts to a questionable device of *postponement* of repayment at the very start of Sind's new career, viz., that instead of the existing arrangement of repayment of unproductive debt

in 30 years, a separate Sind Province should not only repay the same in 50 years but be allowed to count the 50 years' period, not from the point of time at which the particular loan was borrowed but *de novo* from the date it is constituted into a separate Province. For a fuller discussion of Mr. Brayne's estimate and justification of the estimate put forward by the anti-separationists, reference may kindly be made to pages 38-9, 45-6, 54-8, 61-6, 76-8, 86-7, 107-110 and 112-131 of the Proceedings of the Sind Conference, a note by three Hindu members of the Sind Conference printed as Appendix G of Mr. Brayne's report, and the pamphlet "A Criticism of Mr. Brayne's Report of the Sind Conference," a copy of which is submitted herewith.

The conclusion to be drawn from the figures given above, is that, even with a subvention of 80 lakhs, the process of balancing the Sind budget on the date of separation will involve additional taxation to the tune of 33 to 44.5 lakhs (i.e., 33 if Mr. Brayne's estimate of pension liability and debt charges be accepted, and 44.5 if the expert committee's figures are adopted). And this heavy taxation will be imposed in a province whose total receipts from taxation, including Land-revenue and water-rate, amounted to only 153 lakhs in 1929-30 and about 145 lakhs in 1931-32, at a time of unprecedented trade depression and an exceptionally severe fall in the prices of agricultural produce, and on people who are already complaining bitterly of the sudden and steep rise in the rates of Land-revenue assessment in the Sukkur Barrage Zone, which covers 3/5ths of its area.

In spite of this heavy taxation and a subvention of 80 lakhs a year, the standard of administration and amenities in the new province of Sind will be below the level of even Assam, which has been complaining bitterly of its forced backwardness because of insufficiency of its financial resources. Nor do the estimates of the Expert Committee and Mr. Brayne include the cost of institutions like a University and Government Colleges of all kinds, Engineering, Medical, and others, adequate mileage of Government Provincial Roads or medical relief, the absence of which was cited as a proof of neglect by the Bombay Government and made a ground for demanding separation of Sind from Bombay during the discussions at the meet-

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ings of the Sind Sub-Committee of the Indian Round Table Conference (see pages 10-11, 29, Proceedings). A reference to paragraph 46 of the Report of the Expert Committee will show that they rejected the view that any scheme of separation will fail to meet the case unless provision is made for institutions and items, the absence of which was one of the main arguments advanced in favour of separation, considered that "their task is to assess the cost of separation" and did not "feel that the provision of such institutions falls properly under this head." Nor has the Expert Committee included in their estimates for the next 30 years the development expenditure at the rate at which the Bombay Government has been incurring it on Sind during the post-reform period except the few items to which the Bombay Government have already committed themselves (see pages 76-8 of their report)

Mr. Brayne has gone even further and his estimate of a subvention of 80 lakhs makes no provision whatever, even for the items of capital expenditure and expenditure charged to revenue, to which the Bombay Government has already committed themselves (*vide* Chapter V of the Sind Financial Enquiry Committee's Report), nor for the normal growth of expenditure and revenue under non-barrage heads or for the considerable expenditure which must be incurred upon communications, agricultural and other beneficent services if Sind is to reap the full advantages of her resources in the new era of development upon which she has entered (*vide* para. 35 of Mr. Brayne's report). And his estimate of the period for which this subvention will be necessary not only knocks out 345.2 lakhs out of the accumulated interest on the Barrage debt by debiting it to Bombay—a suggestion now ruled out as unfair by the British Government, but takes full credit for the *entire* anticipated proceeds of the land sales and receipts from land assessment from the Barrage Zone without providing a pie for the inevitable growth of expenditure due to the developments in the Barrage Area. A fuller discussion of his untenable position will be found on pages 14-15 of "A Criticism of Mr. Brayne's Report" issued by the Executive Committee of the Sind Anti-Separation Conference, to which the attention of the Parliamentary Committee is specially invited; but enough has been said above

to make it plain that under the budgetary conditions proposed by Mr. Brayne, in spite of a sharp increase in taxation of 20 to 33 per cent. which will make Sind's taxation *per capita* the heaviest among the Indian provinces even after a subvention of 80 lakhs, Sind will become what Earl Russell feared "a backward province in the middle of India" (*vide* p. 50, Proceedings of the Sind Sub-committee) and what the majority of the Sind Sub-committee of the R.T.C. "did not want to create in India—a semi-bankrupt province that will be a source of weakness to the whole community" (*vide* Mr. Isaac Foot, p. 62 of the Proceedings).

6. Both the Expert Committee and Mr. Brayne rest their hopes for the future on the anticipated surplus from the Sukkur Barrage. Both admit that Sind cannot stand security for the Barrage debt and that the question is whether the Barrage can stand security for Sind. The members of the Expert Committee, however, take particular care to begin their observations with the warning that "it is never an easy matter to forecast with confidence the financial prospects of a new irrigation scheme, and to do so during the period of a serious economic crisis, the duration and ultimate effect of which are at present and will for some time remain unknown, is clearly an impossibility." And yet it is on the basis of this "clear impossibility" that absolute reliance is being placed by Mr. Brayne and the authors of the White Paper for the financial solvency of a separate province of Sind in the *near future*. Some idea of the complicated factors involved may be had from even a cursory perusal of pages 12-8 of the written evidence submitted by me before the Sind Financial Enquiry Committee, a copy of which is sent herewith, and pages 107-9 and 127-8 of the Proceedings of the Sind Conference. The wide difference between different estimates based on different sets of assumptions makes all the difference between substantial surpluses and heavy, almost crushing, deficits, as can be easily seen by a reference to para. 83 of the Sind Financial Enquiry Committee's report, para. 34 of Mr. Brayne's Report, and para. 4 of "Criticism of Mr. Brayne's Report of the Sind Conference," issued by the Executive Committee of the Sind Anti-Separation Conference. The major facts involved in these divergent estimates are the Land-values, intensity of cultivation,



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the rates of land-revenue assessment and the prices of agricultural produce, each of which is subject to so many varying economic influences, local and world wide, that few qualified economists would venture a definite prophecy regarding what would happen in the next 30 years. As it is, neither the Expert Committee nor Mr. Brayne had any claims to be considered as expert economists. To give only one illustration of their profound knowledge of economics, the Sind Financial Enquiry Committee state with approval in para. 62 of their report that "it is the firm conviction of both the irrigation and revenue authorities in Sind that both the area which can be disposed of and the prices which will be obtained for it can safely be considered as being *independent of the value of the agricultural produce.*" When the absurdity of this proposition was pointed out during the proceedings of the Sind Conference, the Expert Revenue Officer of the Barrage changed front and said "that the Committee had misunderstood the irrigation and revenue authorities in Sind. They had enunciated no such proposition." The plain truth of the matter is that both the Expert Committee and Mr. Brayne have accepted as correct the estimates put by the Barrage Officials, who consider it a point of honour to stick to their old estimates in one form or the other, though through causes beyond their control the bases on which the original estimates were framed have been proved to be wrong by the actual course of events. Compared to the original project estimates, the capital outlay has increased, the rate of interest has gone up, the working expenses have risen, the land-values and prices of agricultural produce have tumbled down, but all this makes practically no difference to the *productive* character of the Barrage and the anticipated surplus therefrom, a *minus* figure in one place being easily offset on paper by a *plus* entry elsewhere.

Nor is this all, the experts themselves differ according to the degree of optimism they can command, Mr. Brayne being invariably more optimistic than the Expert Committee, his task being to balance the Sind Budget somehow. The Expert Committee thought that "both sales of land and payments will have to be spread over a considerably greater number of years," and that "so long as prices generally remain low, the amount of money available for land purchase must inevitably be *limited*" (para. 62). Mr. Brayne is troubled by no such thought; he bases

his estimate on the express assumption of "recoveries from land sales at prices more or less according to the programme anticipated" (para. 34 of his Report). The Expert Committee regarded it "a *very rash assumption* in existing circumstances" to realise "the *full* rates of assessment" (page 29), based upon the prices of 1919-29, but Mr. Brayne considered it quite safe to assume for the purpose of his estimate a drastic revision of assessment after only *five years*" according to the higher rates proposed in the settlement reports on the basis of *pre-slump* prices during the decade 1919-29. Under the rates based upon the prices of May, 1931, called the slump prices, the Expert Committee thought that "the financial prospects of the Barrage would be *precarious* in the extreme, and on the criterion utilised in the case of irrigation schemes, it would have to be classed as *unproductive*" (para. 80). Mr. Brayne thinks otherwise. On the basis of a series of assumption including the rates based during the first five years upon the agricultural prices of January, 1932 (when there was a temporary rise of prices owing to the sterling and the rupee having gone off the gold standard since September, 1931) and thereafter upon the prices of the decade of 1919-29, the Barrage is shown to be a *productive* asset. Had the basis been the prices of April and May, 1932, when Mr. Brayne was holding the Sind Conference, instead of the prices of January, 1932, Mr. Brayne's substantial surplus would have turned out to be a huge deficit. Such is the arbitrary and precarious basis on which Mr. Brayne's optimistic estimates are based.

Whatever may be the value of these varying estimates, it is common sense to suggest that if reliance is to be placed upon the Barrage as the security for a separate province of Sind, we must allow some reasonable period of time for uncertain factors of this magnitude to disappear so that there may be a *firma terra* to base one's estimates upon. To ignore the stern realities of the existing agricultural depression particularly in cereal producing areas and to stake the welfare of the people of Sind on a gamble on the future course of land value and prices of agricultural produce grown in Sind would be the height of un wisdom and nothing short of a leap in the dark. And the responsibility of this serious plunge into the deep dark, it must be repeated, rests on the British Government and the British Government alone, for they are



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effecting this separation of Sind, not only against the considered judgment of the Bombay Government and the Bombay Legislative Committee and in the teeth of opposition of a million of loyal Sind Hindus who constitute an overwhelming majority of the literate and educated community in Sind but also in direct contravention of the provisions of the existing Government of India Act and the express conditions laid down by the Sind Sub-Committee of the Indian Round Table Conference.

7. The Political consequences of constituting Sind into a separate Governor's province are no less serious. The economic and social facts, given in some detail on pages 59-63 of the pamphlet on "The True Facts regarding the separation of Sind from the Bombay Presidency" will show how serious are the obstacles in the way of establishing in Sind a really democratic responsible provincial Government. The bulk of the rural population consists of either tenants—at will without any security of tenure or a written deed or landless labourers on the land. Out of a total population of 38 lakhs, only 83 thousand holders own 91.1 per cent. of the land and only 2,251 holders own as much as 32.4 per cent. of the total area held. The curse of the province is the big zemindar, owning much land and sometime even enjoying honours from Government, often the patron of the *Pathardars* who are the owners of the *Patharis*—"the clearing houses of stolen property" and "the ganglion of the nervous system which gives to cattle theft in Sind its special character of organised crime" (*vide* the Report of cattle lifting Committee in Sind), ever ready to give evidence against other zamindar's *Badmashes* (bad characters) while shielding his own, most unwilling to pay a fair price of land or the cost of water supplied to him at the expense of the taxpayer or taxes on property, and ever anxious to influence by all the means at his command the course of justice in order to free from the just clutches of law his criminal relatives and tenants. His normal attitude towards women is reactionary in the extreme, kidnapping and abduction of women being a matter of everyday occurrence and in case the victim is a Hindu a matter of glory for his faith in which every Muslim must help the Muslim aggressor rather than the Hindu victim. Wife-killing, the one crime which Sir Charles Napier could not suppress, is almost as common among the

Baluchis to-day as it was 80 years ago. The rural population in Sind lives in a semi-feudal regime under the thumb of the big zemindar and the fanatical Pir, in mortal dread of their oppression, mitigated occasionally either by the intervention of the Police, the civil Court and the strong English civilian touring in the district, or the fear of a rival Zemindar or a Pir in the neighbourhood. The recent case of Pir Pagaro in which a human being was confined for years in a cage reminds one of an incident recorded by Sir Charles Napier 90 years ago. The incidence of crime per 1,000 of population is much higher in Sind than in any other province of India (excluding Burma) while the percentage of literates among the Sind Muslims is the lowest in India. The Larkana riots, the Jacobabad murders, the organised gang dacoities in the Sukkur District show that the Sindhi Muslims continue to be almost as intolerant as they were in the forties of the last century, when James Burnes described them to be "the most bigoted, self sufficient and ignorant people upon earth," adding that "there is no country in Asia or rather on earth, so perfectly priest ridden." What is still more serious, they refuse to be influenced by other communities, even in political matters; for though in a majority of 73 per cent. in Sind, they are still wedded to separate electorates and demand an irremovable statutory communal majority in the legislature and the local bodies. In these conditions, it is impossible to achieve any political progress in a separate province of Sind, and the only way to give Sind the benefit of the coming reforms is by association with the more democratic and progressive forces in the Bombay Presidency.

8. For these reasons, the Sind Hindus feel strongly that not only no case has been made out for severing the 90 years old connection of Sind with Bombay, but that exceptionally strong reasons exist for turning down the proposal to constitute Sind into a separate Governor's province in the interests of the welfare of the people of Sind in general and of the Sind Hindus in particular. If, however, owing to the political prejudice against the Hindu community in general and the hidden forces working in favour of an Anglo-Muslim alliance at any price, these arguments and protests prove of no avail, they would as an alternative urge that the proposal may be deferred for a decade till the future of the Sukkur Barrage

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is assured and the province recovers from the acute agricultural depression from which it is suffering heavily at present.

Should neither of these alternatives be acceptable, they would earnestly ask the British public to recall to mind the circumstances under which they were invited by the Hindus of Sind to free them from the intolerable misrule of the Talpurs in the forties of the last century, the professions made in this regard by the first British administrators, the continuous and loyal co-operation they have had from the Hindus in Sind in evolving order out of chaos, and the substantial contribution which they have made to the economic, social and educational advancement of Sind on the assurance of British protection of life and property and encouragement of freedom of enterprise in Sind. According to the information given to Captain Hamilton at the beginning of the 18th century, "the proportion of Hindus to the Musulmans was then *ten to one*"; Mr. Crow wrote in his memoirs (1800), "in number with the Musulmans they (Hindus) are two to three"; while in 1840 James Burnes stated that "the Hindus are not now more than one-fifth of the community." The change is accounted for by the terrible persecution of the Hindus by the Kalohras and the Talpurs, on account of which, according to the narrative of James Burnes, he found "that amongst the many who secretly pray for such a consummation, none seemed to have a more devout wish to see the British colours flying in the bastions of Hyderabad, than the Hindus of respectability, who uninvited entered on the subject of their grievances and discoursed largely of the cruelties and indignities to which they were subjected." Lest this dark history, which explains the transformation of "a land as rich as covetousness would wish it," according to Portuguese travellers of the 16th century, into a land of "shikargahs," at the time of Burnes' visit, repeats itself and the British charged by posterity with breach of trust, adequate safeguards are necessary (a) to protect life and property and maintain economic security; (b) to maintain the existing standards of administration at least in the departments of Police, Justice and Education; (c) to prevent the establishment of an oligarchy of ignorant, bigoted and medieval big zamindars of Sind, and (d) to secure the protection of the minorities

in Sind, particularly the most substantial minority of the Hindus.

To secure the first, the Sind Hindus press that Law and Order and Justice (especially the highest court in Sind) should be made reserved subjects in Sind and the control of the town police be made over to the municipalities. If, for any reason, this is deemed inexpedient, a convention may be established that these departments shall be in the hands of a non-Muslim for the first 20 years. Further, a statutory provision be made that in all cases of communal riots, a punitive tax shall, if demanded by half the number of Hindu or Muslim members in the Sind Legislative Council, be imposed on the Muslims to provide adequate compensation to the families of Hindu sufferers and on the Hindus to compensate adequately Muslim families who suffer losses thereby.

As regards the second, our demand is that the subvention given to Sind on the date of separation should be adequate to cover the *initial deficit, whatever it might be*, and to maintain the existing standard of administration at least in the Departments of Police, Justice and Education till such time as the net surplus from the Barrage, over and above the expenditure directly or indirectly due to it, is not adequate enough to cover Sind's deficit. Should, for any reason, additional *direct* taxation be imposed to cover any part of the *deficit* during the next 10 years, the Hindus community, which has all along opposed the constitution of Sind as a separate province, should in fairness be exempted from such direct taxation.

In order to secure the third object, the composition of the Sind Council proposed in the White Paper be altered in such a way as to impose a reasonable limit on the representation of the big Zamindars in Sind. This can be done by *increasing* the number of seats specially reserved for them from two to six and declaring them ineligible for contesting other seats. At the same time, the representation accorded to European and Indian Trading and Commercial interests should be at least doubled in view of their importance in the economic life of Sind, and one seat be given to graduates of the University as is the case in all other provinces.

For the protection of minority interests, our first demand is that for the first four terms of office, the Governor

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of the Province to whose hands the White Paper entrust the duty of "safeguarding the legitimate interests of minorities," shall be a non-Muslim, particularly in view of the grave fears and suspicions roused by the statements made by accredited Muslim leaders that the Hindus of Sind are required as hostages for the good conduct of Hindu majority towards Muslim minorities outside Sind. Secondly, we demand *joint electorates* for elections to the local legislature, to local bodies and to any representative body that might be constituted by Statute. In justification of this demand, it may be pointed out that *separate electorates* were originally established on the demand of the Muslim minority as a device for safeguarding their position as a minority and that there is no reason why they should be tolerated in a province, where the Muslims form 73 per cent. of the population and will form an overwhelming majority of the electors under the extended franchise and where the minority community itself demands joint electorates as its best protection. The Sind Hindus attach great value to joint electorates, mainly for two reasons. They soften the aggressive communal consciousness of the majority community and give the minority an opportunity to educate the Muslim public on political issues at the time of elections and to organise political parties on a common programme or policy; occasionally, they will make it possible for the minority to punish a fanatically communal member by throwing their weight in a contested election on the side of a more moderate member, and a lesson learnt by one intolerant member is bound to have an educative effect on others. The Sind Hindus feel that separate electorates, far from protecting them, will make for their oppression at the hands of an irresponsible majority returned on a communal ticket, and consider it very unfair and unreasonable that the Muslims and the Government should thrust upon them a supposed safeguard for the minorities, which they are convinced is not only a dangerous poison in the body politic aggravating communal consciousness and preventing the growth of a moderate party from the ranks of both Hindus and Muslims, but also an open door for their oppression by fanatics among the majority community.

Regarding representation on the local legislature the composition of the proposed Sind Council indicated on page

79 of the White Paper does not appear to them to be a fair distribution of seats among different interests, considering their economic, social and educational position in Sind. In the first place it is unfair to classify the seats in Sind into (a) General, and (b) Muslim; the classification should be rather (a) General, and (b) Hindu, since the Hindus are the most important minority in Sind just as the Muslims are in other Provinces. As it is, the Parsis, the Indian Christians, the Anglo-Indians and Sikhs are expected to share with the Hindus the General seats, leaving to the Hindus much less than their importance and position in Sind entitles them to. Considering the fact that the Hindus pay nearly 40 per cent. of the Land revenue partly as owners and partly as lessees and Mortgagees in possession, the bulk of the Excise Revenue, Stamps, Registration, Income Tax in Sind, that the number of literates among them is three times the number among the Muslims and that of English knowing adults eight times as large, that on the basis of the existing franchise for the Bombay Legislative Council the Non-Muslims have 67,087 qualified voters, as against 60,838 Muslim voters, and above all the weightage enjoyed by the Muslim minorities in other Provinces, the Hindus of Sind have reason to be greatly dissatisfied with the representation proposed for them. The total number of general seats open to all minorities (except the Europeans) is only 19, of which one will certainly be captured by a Non-Hindu, either a Parsi, a Sikh or an Indian Christian so that Hindus will have only 18 out of a total of 55 seats (excluding special constituencies). The Sind Hindus feel strongly that even if no allowance is made for the fact that they are being taken away against their wishes from a big Province in which as a part of the Hindu majority they would have shared the political power of the majority community and being reduced to the position of a minority in a small Province, they are in justice entitled to at least 40 per cent. representation in the Legislature. Quite apart from the special facts referred to above in favour of this claim, the weightage in representation asked for is not in excess of what the Muslims have secured in other Provinces. Excluding special constituencies, 14.3 per cent. of the seats in the Madras Council have been reserved for Muslims who form only 7 per cent. of the population; in Bombay 8.2 per cent. Muslims have been given

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19 per cent. representation in the Legislature, in the United Provinces Muslims who constitute only 14.2 per cent. of the population have secured 30.7 per cent. of the seats in the Legislative Council. Similarly Muslims who are only 11.2 per cent. of the population in Bihar and 4.4 per cent. in C.P. have been accorded 28.5 per cent. and 13.4 per cent. of the seats in the provincial legislation, while in Sind, the Hindus who form 26.8 per cent. of the population and an intelligent and progressive section with considerable stakes in the Province, have been given only 32.7 per cent. representation. Thus in the light of the weightage enjoyed by the Muslim minority in other Provinces, the Hindus' claim for 40 per cent. seats will appear an exceptionally strong one. It may here be added that in this case there is no Lucknow Pact to be adhered to and that even the Sind Pact and the Allahabad Unity Conference agreements conceded 37 per cent. to the Hindus in Sind.

The seats assigned to the special constituencies in Sind also call for comment. Of the two seats reserved for Landholders, one should be reserved for the Hindu Zamindars who as Owners and Lessees and Mortgagees of land pay nearly 40 per cent. Land Revenue. The number of seats reserved for Commerce and Trade, European and Indian, is unfairly low compared to other Provinces. Karachi is a port of considerable commercial importance and commerce and trade of Sind are the very life-blood of the Province, and yet only one seat has been given to European Chambers of Commerce and one to two Indian Chambers, while in Assam the European commercial interests have secured eight and Indian three. These important interests, in a maritime Province like Sind, with a port like Karachi and its enterprising merchants now found all over the business world, should have at least four seats for Europeans and four for Indian commerce and trade.

For the rest, the Hindus of Sind demand for the individual members of their community nothing more than *equality* with the members of the majority community before the law and the public administration of the Province, and safeguards against invidious discrimination against them or vexatious restrictions on their enterprise and economic activity. With this end in view, they would press for equality of franchise qualifications for both Hindus and Muslims in rural as well as in urban constituencies, an open door through competitive examinations to the public services without any reservation of posts in favour of the majority community and express provisions in the constitution in some such terms as the following.—

(1) There shall be no discriminatory legislation or taxation and none shall be prejudiced merely by reason of his caste, creed or tribe in acquiring or enjoying civic and economic rights, including the right of *owning*, purchasing or disposing of landed estates in the open market and the freedom of choice of any profession or calling.

(a) Any legislative measure or administrative policy undertaken by the Ministry to which objection is taken in the Council by more than three-fourths of the members belonging to all the minority communities on the ground that the policy or measure is discriminatory or that it injuriously affects particular interests of any of the minority communities shall, if the Ministry accepts the objection as valid, be withdrawn. If the Ministry does not admit that the measure or policy is of such a character, a reference shall be made by the Ministry to a special tribunal appointed for the purpose by the Central Government consisting of three Indian judges, no two of whom shall belong to the same community and one shall belong to the aggrieved community, and their opinion, which shall be given within a month of the reference, shall decide the question and be binding on the Provincial Government.

#### MEMORANDUM 40. THE CASE AGAINST SEPARATION OF SINDH FROM THE BOMBAY PRESIDENCY.

##### SINISTER MOTIVE.

The separation of Sindh has been demanded not on its own intrinsic merits but in pursuance of a policy of having more Muslim provinces to preserve the 'balance of power.' The statement has

been openly made by accredited Muslim leaders that the Hindus of Sindh are required as hostages for the good conduct of Hindu majorities towards Muslim minorities outside Sindh. This brutally frank statement of the real motive of

17<sup>o</sup> Julii, 1933.]

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the Muslim separatist's demand has rightly caused grave fears and suspicions among the Sindh Hindu population, which have been greatly enhanced by the persistent rumours of the contemplated appointment of a Muslim as the first Governor of Sindh, to whose tender mercies the White Paper assigns the task of minority protection in Sindh

#### PROSPEROUS UNDER BOMBAY.

Separation is urged ostensibly on the ground that Sindh had suffered greatly on account of the connection with Bombay, but this has been proved to be wrong both by the Indian Central Committee attached to the Simon Commission and the Simon Commission.

It is flying in the face of truth to say that Sindh had suffered under Bombay. To appreciate how far this is a travesty of truth, it is necessary for the British public to recall to mind the past history of Sindh and the remarkable transformation it has undergone, during the last eighty years of its administrative connection with Bombay, from the "Unhappy valley" of Burton's days, full of "shikargahs" and wild beasts, to the land of the Barrage canals and the flying aeroplanes. Its population has increased by over 300 per cent.; its cultivation has extended even more; its canal irrigation has transformed barren lands into smiling fields; its system of education and local self-government has been brought into line with that of advanced Bombay; its residents enjoy in association with the more advanced people of Gujrat, Bombay and Maharashtra the largest measure of self-government that any province has in India; its port of Karachi has risen from a fishing hamlet to a position of approaching equality with Madras, Bombay and Calcutta; financially, it has all along received considerable help from the Bombay Presidency; economically, one of the gigantic schemes of irrigation ever undertaken in the history of India has been initiated by the efforts of the Bombay Government and the guarantee of its taxpayers; commercially, most of its leading commercial communities, Europeans, Hindus, Parsis, and Khojas have close business and social connections with Bombay; and so strong has grown to be the tie between Sindhis and the people of the other divisions of the Bombay Presidency that to-day the majority of the residents of Karachi, the seat of the Commissioner in Sindh, speak languages, other than

Sindh. And just at the time when the people of Sindh were looking forward to a more rapid economic progress owing to the Sukkur Barrage, and the heavy programme for construction of roads, feeder railways, and a new Barrage at Kotri, to which the Bombay Government had committed itself, an apple of discord has been thrown among the people of Sindh by outside politicians, who have dragged Sindh as a pawn on the chess-board of all-India communal politics, and demanded for the so-called "balance of power" between Hindus and Muslims in India, the separation of Sindh from the Bombay Presidency and its constitution as a separate Province.

Eighty years is not a small period in the history of any province or even a nation; and there should be *exceptionally strong reasons* for severing the administrative connection that has continued so long and worked so much to the benefit of Sindh. No such cause has yet been shown to satisfy any reasonably-minded person.

#### AN EX-PARTE DECISION.

So far as the Hindus of Sindh are concerned, they have not been consulted by the Government at any time before they accepted the principle of separation at the Round Table Conference. Not a single Sindh Hindu was a member of the R.T.C. to place the Hindu case before that body; its decision was thus purely *ex-parte*; and Sindh Hindus feel that this decision was taken hastily and on false representations made by the Sindhi Muslim members of the Sindh Sub-Committee of the Round Table Conference.

#### PROTECTION OF SINDH HINDUS—A BRITISH PLEDGE.

Sindh was conquered by the British, at the direct invitation of Sindh Hindus, to free it from the intolerable misrule of the Talpur Mirs. It is now being made over to a still greater misrule—that of an ignorant, fanatical and criminally inclined oligarchy of Sindh Zamindars without any adequate protection to the enlightened minority of the Sindh Hindus, whose unstinted co-operation with the British for the last 80 years has brought order and progress to the Unhappy Valley of Burton's days.

#### NO DEMAND FOR SEPARATION.

There has never been a demand for the separation of Sindh from any of the non-Muslim communities in Sindh. The wild statements made on this point have been

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proved to be either wholly devoid of truth or at least a gross misrepresentation of real facts. At no time were the European commercial community of Sindh in favour of an independent province, although at one time they thought that amalgamation with Punjab would be beneficial. But after the recent economic and agricultural developments in connection with the Barrage, they have expressed the opinion that Bombay has played a wonderful part in helping Sindh and have not asked for separation through their two accredited bodies—the Karachi Chamber of Commerce and the Sindh European Association.

The Hindus of Sindh constituting more than 26 per cent. of the population are strongly opposed to separation.

The smaller minorities like Parsis and Indian Christians have at no time asked for it.

Up to 1927, even the Muslim leaders like Rais Ghulam Mohammad Bhurgri, Haji Abdulla Haroon, and Ghulam Ali Chagla, joined the Hindus in demanding a *more complete amalgamation* with Bombay by the repeal of the Sindh Commissioner's Act.

#### OBJECTIONS UPHOLD.

The Bombay Legislative Committee attached to the Simon Commission, of which Sir Shah Nawas Khan Bhutto (the Sindhi leader of the Muslim group in the Bombay Council) was chairman, came to the conclusion "that administrative difficulties which have been pointed out by the Bombay Government are real and cannot be ignored" and that "for financial reasons alone the proposal is impracticable"; and that Sindh "must, in order to secure this advantage (full provincial autonomy) continue as part of the Bombay Presidency."

The Simon Commission definitely stated that "there are grave administrative objections to isolating Sindh and depriving it of the powerful backing of Bombay before the future of the Sukkur Barrage is assured," stressed the financial objections against, laid down a number of conditions which must be fulfilled by all proposals for constituting new provinces, and recommended a general Boundary Commission to which the class of questions, "of which Sindh and Orissa are only particular illustrations" should be referred.

#### UNFAIR TACTICS.

At the R.T.C., Sir Shah Nawaz Bhutto, instead of presenting the case against separation as the Bombay Government had been led to believe on account of his signing the report (referred to above) of the Bombay Legislative Committee attached to the Simon Commission, turned a somersault and strongly advocated separation of Sindh.

Sir Ghulam Hussain Hidayatullah, another Sindhi gentleman and a member of the Bombay Governor's Executive Council, who was sent by his Government as member of the R.T.C., refused to call himself the representative of the Bombay Government. He claimed individual independence for himself to demand separation, though his own Government was opposed to it, and was chiefly instrumental in committing the Russel Sub-Committee to the *principle* of separation.

Gross mis-statements of facts and fallacious arguments alike went unchallenged. The Bombay Government was actually "dished"; it had no representative of its own and no Sindhi Hindu to present the case against separation.

Even so, the result of this *ex parte* hearing of the case by the Russel Sub-Committee and the R.T.C., was that only the principle of the separation of Sindh was accepted and a recommendation made, which in the explicit words of Lord Russel meant that "*if Sindh cannot show that it can successfully stand on its own legs, the separation does not take place.*"

#### THE DEMAND FOR SUBVENTION—A BREACH OF FAITH.

At no stage of this controversy, did the Muslim separatists talk of a subvention. They repeatedly assured the Congress, the All-Parties Conferences at Delhi and Lucknow and the Russel Sub-Committee of the R.T.C., that Sindh was financially self-supporting; or if there was any slight deficit, it could and would be made up by Sindh. At the All-Parties Conference at Lucknow, a Sindh agreement was signed by Muslim leaders like Maulana Shaukat Ali, Sheikh Abdul Majid, Haji Abdulla Haroon, Mr. M. C. Chagla, Maulana Zafar Ali and others, and this was unanimously accepted by the whole Conference. This important agreement, which was intended to close the whole controversy, reads as follows:—

"Simultaneously with the establishment of Government in accordance with



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the Nehru Committee's report, Sindh shall be separated from Bombay and constituted into a separate Province.

Provided—

(1) after an enquiry it is found—

(a) that Sindh is financially self-supporting.

(b) in the event of its being found that it is not financially self-supporting, on the Scheme of separation being laid before the people of Sindh with its financial and administrative aspects, the majority of the inhabitants favour the scheme and express their readiness to bear the financial responsibility of the new arrangement.

(2) that the form of Government in Sindh shall be the same as in the other provinces under the constitution;

(3) that the non-Muslim minority in Sindh shall be given the same privileges in the matter of representation in the Provincial and Central Legislatures as the Muslim minorities are given under the Nehru Committee's Report in areas where they are in a minority."

Even the Congress is bound in honour to respect this agreement. Not only the Congress leaders signed it at Lucknow, but they re-iterated the position taken up in this agreement in subsequent resolutions. At the R.T.C., Mahatma Gandhi presented the Congress scheme for a communal settlement, of which paragraph 7 runs as follows:—

"Sind shall be constituted into a separate Province provided the people of Sindh are prepared to bear the financial burden of the separated province."

The position taken up by separationists before Government was no less clear and emphatic. The Muslim evidence before the Simon Commission asserted that Sindh was *not* a deficit province. The Muslim members of the Indian Central Committee of the Simon Commission agreed to making separation of Sindh conditional on its being self-supporting, for they were "of the opinion that if the people of Sindh are prepared to face the financial burden and other disadvantages which seem likely to result from the constitution of a separate province, their wishes in the matter should be complied with." Again, the assurance given by Sir Shah Nawaz Bhutto, His Highness Aga Khan, and Mr. Jinnah at the Russel

Sub-Committee definitely ruled out a subvention to a separated Sindh.

If, at any time, there was any question of a subvention either from the Government of India or the Government of Bombay to set up Sindh as a separate province, there was no need to call the Brayne Conference in Karachi to ask the representatives of Sindh how they were going to meet the deficit—such a deficit having been disclosed by the expert investigation of the Miles Irving Committee.

The question of a likely subvention was never in the mind of the Sindh Separation (Russel) Sub-Committee of the R.T.C., and it was never in the mind of any member of the Round Table Conference for the simple reason that the Sindh Muslims had made it a grievance that Bombay had received more from Sindh than it spent on it and contended Sindh was always a self-supporting province.

Sir Shah Nawaz Bhutto said in the Russel Committee that "Sindh must stand on its own legs" and that "we do not want any financial help." Further, he plaintively asked "if we are not able to support ourselves how can we ask for separation"?

Both H.H. Aga Khan and Mr. Jinnah also said "it is up to the representatives of the proposed new province to show how the deficit should be met by *taxing themselves*" (page 82 of the proceedings).

The Chairman of the Sub-Committee, the late Earl Russel, observed in reply to Sir Phiroze Sethna: "I will tell you, in view of the last words of Mr. Jinnah, what the recommendation of the Sub-Committee is: *it is if Sindh cannot show that it can stand successfully on its own legs, then separation does not take place.*"

The recommendation of the Sindh Sub-Committee, as interpreted by Lord Russel, was endorsed by the Round Table Conference; and in pursuance of it, the Prime Minister, on behalf of His Majesty's Government, appointed the Miles Irving Sindh Financial Enquiry Committee. This expert committee showed that on the day of separation Sindh would have to face an initial deficit of 110.42 lakhs a year, which would grow to 144.19 lakhs in 1962-63 unless the Lloyd Barrage came to the rescue (para. 84 of the report). They further pointed out that even if the full rates of assessment proposed for the Barrage area were realized, "a very rash assumption in the existing circumstances,



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Sindh will always be a deficit province on our basis of calculation, although the deficit will fall to below half a crore of rupees after 14 years and below a quarter of a crore after 18 years. If only the slump rates are imposed, the deficit will never be less than a crore of rupees. At the average of the two rates, the deficit will not fall below a crore of rupees until the fourteenth year after separation, the ultimate deficit on the full development of the Lloyd Barrage being 63.71 lakhs " (para. 83 of the Miles-Irving report).

An enormous deficit of over a crore of rupees having been disclosed by the expert committee, Government took the next step of ascertaining from the representatives of Sindh as to how they were going to finance themselves satisfactorily in the event of separation, as announced by the Prime Minister. And Mr. Brayne was asked to preside over this Sindh Conference.

After a three weeks' conference at Karachi, Mr. Brayne disclosed a deficit of 80 lakhs, *which is considered to err grossly on the side of over-optimism*; and the representatives of Sindh, having failed to find the means to overcome the deficit, *this chapter must close and the status quo must be maintained.*

#### THE UNREASONABLE DEMAND ACCEPTED.

Having failed to make out a case for separation on its merits, having failed to prove that Sindh was a surplus province, having failed to show that by retrenchment or by additional taxation, Sindh could stand on its own legs, the Muslim separationists have shifted their ground now, and rest their hopes on a subvention from the Central Government. Thus they repudiate all the emphatic assurances given in the Sindh Sub-committee as to Sindh's ability immediately to pay its way—assurances on the strength of which alone even the principle of separation had been accepted by the R.T.C.

"If Bombay has been paying the deficits of Sindh, let the stronger partner, the Government of India, relieve Bombay of this burden and pay the deficit itself, which Bombay will greatly appreciate, and Sindh, too, will enjoy the pleasure and glory of separation"; that is the last argument now advanced by the separationists.

It is not correct to say that Sindh is receiving a subvention from Bombay. Sindh at present is a part of the Bombay presidency; the whole of the presidency, including Sindh, is one administrative

and legislative unit, the people of both parts control expenditure and determine policy; but a subvention from Simla is a different matter altogether, as there will be no union of interest and unification of control of policy and expenditure in that case. It is this unwarranted demand for separation of Sindh and for a subvention of 80 lakhs from the Federal Government at the cost of Hindu majorities in other Provinces, which the White Paper has endorsed for no ostensible reason except to placate the Muslims under the pretence that it was supported by the R.T.C.

#### ILLUSORY HOPES FROM THE SUKKUR BARRAGE AND PROSPECTS OF INCREASED TAXATION.

The Miles Irving Committee has laid it down that it is not a question of the Sukkur Barrage standing security for Sindh, but whether Sindh with hardly 150 lakhs of revenue can stand security for the Barrage—Sindh which is already a deficit province without any of the Barrage commitments yet thrown on its shoulders. Mr. Brayne was, however, of the opinion that the Barrage will be able to stand security for Sindh seven or eight years after separation. This is too impossible a forecast on account of the acute depression, the slump in prices and fall in the demand for the Barrage land and its value. His estimates are not only opposed to the definite finding of the expert Sindh financial enquiry committee, but are also based on a number of unjustifiable assumptions including the realisation of full rates of assessment and the assumed prices of land sales in the Barrage zone after five years. At present the fall in the prices of primary products and land is over 50 per cent.; and the chances of these assumed rates being realised are almost nil. On the question of these rates, we wish to invite public attention to the speeches made in the Bombay Legislative Council by Muslim Members so recently as 20th February, 1932, and 11th March, 1932, and to the resolutions passed at a meeting of Larkana Muslim and Hindu Zamindars, Jagirdars and Agriculturists under the chairmanship of Sir Shah Nawaz Bhutto in May, 1931. On the general ability of the people of Sindh to bear more taxes, Sir Shah Nawaz Bhutto expressed himself at the R.T.C. as follows: "The people have no money and they are already starving and cannot pay more taxes." The Barrage is too gigantic a project to be run by the untried hands of the new

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Sindh provincial ministers. And any one knowing anything of the conditions in Sindh should say that the anticipated Barrage revenue would be hardly sufficient for the inevitable growth of expenditure in the Barrage zone.

Even with a subvention of 80 lakhs, Sindh cannot stand on its legs. The consequential attempts to add to the height of taxation in this period of acute depression will only create serious discontent among all classes of people of Sindh, on whose shoulders the main burden of any proposed taxation must ultimately fall.

#### NO MONEY FOR DEVELOPMENT AND THE PROSPECTS OF A C<sub>3</sub> PROVINCE.

With the Barrage revenue mortgaged for a generation, there will be no money for nation-building services. Being a purely agricultural province, Sindh has no expanding sources of provincial revenue. Education, sanitation, medical relief, transportation and every branch of nation-building activity will receive a serious set back; and, as the late Earl Russel said, "Sindh would be a black spot on the map of India amidst progressive sister provinces," if they separated this deficit province from Bombay.

The Hindus of Sindh, who are associated with a first class and progressive province, take the strongest objection to have to be satisfied with the amenities provided by a C<sub>3</sub> province, which Sindh will be after separation.

As the Muslim evidence and arguments before the Sindh Financial Enquiry Committee and the Brayne Conference show, even the increasing expenditure to which the Bombay Government has committed itself in respect of primary education and prohibition, and the programme entailed by the Barrage are to be washed out. No additional headquarters establishment is to be provided for Land Records, Excise, Stamps, Forests, Registration, Police, Education, Public Health, Co-operation, Industries, for our *chhota sahibs* are quite fit to be transformed into *barra sahibs* at the magic words "separate Sindh from Bombay." The Chief Court Act will be repealed; no judicial district is needed for Nawabshah; no Inspector of Schools as distinct from the Director of Punjab Public Instruction is required for inspection of Indian or European Schools; there should be no Borstal School or Police Training School; the proposed new Districts at

Dabu and Guni are not wanted; the Civil Surgeons of Karachi and Hyderabad are lightly worked and should be shifted for half the time to the district jails as Superintendents; we need no university, no Government Arts or Science College, no professional college in Agriculture, Medicine or Art, in Electrical and Mechanical Engineering or Technology, nor are special arrangements with Bombay necessary for these branches of higher education; and there will be no town-planning schemes or a sanitary division, no revenue commissioners, Daffedars, Supervising Tapedars or Huzur Deputy Collectors. The Legislative Council will be housed in the rooms of second floor of the J. C's Court. Or if this is found inconvenient, the J. C's Court must be shifted bag and baggage to their old premises which they have quitted out of sheer perverseness. There will be no further expenditure on revenue and police; the programme of agricultural Research and development must be cut down; and that of roads and education ignored for the time being. So the new heaven of "better education, better roads, better amenities" which the separationists have been promising us, has boiled down to this catalogue of noes."

#### A SUMMARY.

Let us summarise —

(1) Sindh is being used as a pawn in the game of high Muslim politics. The statement was openly made by Muslim leaders that the Hindus of Sindh would be held as hostages for the good conduct of six Hindu majority provinces towards Muslim minorities. This has rightly caused fears and suspicions among the Sindh Hindu population.

(2) The Hindus of Sindh, who form the most influential and educated minority, have not had a fair deal; they have never been consulted and they were treated in this matter as of no consequence at all. Hitherto, they have supplied the bulk of administrative staff and professional talent. They have been pioneers in the field of education, social reform and local self-Government; they sowed the seeds of public life in Sindh; they stimulated internal trade and built up the indigenous banking system; they have connected Sindh with the trading centres of India and the world, and they supply the most enterprising element among the zamindari class. But their very existence depends upon political and economic

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security and freedom from invidious and crushing taxation; and anything that is likely to affect this essential basis of modern civilisation is a matter of life and death to them.

(3) The conditions on which separation had been sought by Muslim leaders have not been fulfilled. There was no question of a subvention from Simla at any time.

(4) Sindh was conquered and annexed by the British because of the misrule of the Mirs and yet it is being made over to the control of a Council dominated by an ignorant, fanatical and medieval oligarchy of Sindh Zamindars without any adequate protection of Sindh Hindus against oppression and misrule.

(5) Association with a first class presidency like Bombay means full provincial autonomy for Sindh and the credit and security which a bigger unit assures for all its component parts.

(6) Taxation will be widely distributed and no invidious distinctions will be made if Sind continues to be a part of the Bombay Presidency.

(7) The future of the Barrage will be assured under the management of the ex-

perienced and decently paid Bombay experts belonging to the permanent services.

(8) On account of continuity of policy, a decent standard of administrative and material and moral progress will be maintained.

(9) By continued association with the more advanced people of Guzerat, Maharashtra and Karnatak and Bombay city and the large European official and unofficial elements, Sindhis will learn the art of Parliamentary Government quicker; they will know how to give and take and to compromise, to lead and to command which are the essentials of successful Self-Government. Communalism will gradually occupy a back-seat and will disappear altogether, which is the greatest need of Sindh to-day.

(10) A separate Sind will be a C3 Province.

(11) Separation at present is a leap in the dark. It will create immense communal, political, social and economic complications which it is the duty of wise statesmanship to avoid.

I do not know whether there is anything you would wish to add at this stage by word of mouth?—(Mr. Chabiani.) If your Lordship will permit me, I might sum up the general drift of our representation, and add one or two observations that I would like to make.

A7. Certainly?—In the first place, we wish to invite the attention of the Parliamentary Committee to the fact that almost every Committee and Commission that has sat on this particular question has not recommended the constitution of Sind into a separate Province on the basis of the White Paper proposals that the weight of administrative experience of the Government of Bombay, under which we are at present, the opinion of persons who have spent their lifetime in service in Sind, including those who have been members of the Bombay Government, have been opposed to this proposal. In the second place, we wish the attention of the Parliamentary Committee to be invited to the broad fact that, excepting before the Simon Commission, the other side of the case has never been heard by the British public. At the Round Table

Conference, in spite of repeated representations by the Sind Hindus, they were not given an opportunity of placing their point of view before the Round Table Conference, but statement after statement which have absolutely no foundation, or which are, more or less, perversions of the actual facts, went absolutely unchallenged before the last Round Table Conference; that even the conditional recommendation of the Round Table Conference in favour of the principle of the separation of Sind has been accepted on the basis of this *ex-parte* hearing of the case. Therefore, we wish that this Committee would do us the favour of ascertaining the facts upon which that principle of separation was agreed to at the Round Table Conference, and not merely go on the impression that the case was argued before the Round Table Conference and that the principle of separation had been accepted. Thirdly, we wish to invite attention to the fact that the formula adopted by the Round Table Conference on the recommendations of a Sub-Committee was given an authoritative interpretation by Lord Russell, as the Chairman of the

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sub-Committee, which is on the record of the Proceedings of the Conference; that the Members of the sub-Committee were led to commit themselves to the Resolution on the distinctly expressed interpretation put by its Chairman, that if Sind cannot show that it can stand satisfactorily on its own legs, separation does not take place; and that therefore the decision of His Majesty's Government as embodied in the White Paper is a radical departure from the Resolution which was adopted by the Sub-Committee of the Round Table Conference and endorsed by the full Round Table Conference. Then we wish also to draw attention to the fact that Sind has had for ninety years administrative and historic connection with the Bombay Presidency. *Prima facie*, an administrative connection which has continued for nearly a century should not be severed excepting on very exceptional grounds, and that no such exceptional ground has ever been advanced by any responsible body of people. Then, Sir, we have pointed out a number of administrative, economic, and political considerations against separation. Sind, although large in area, is a very small unit for the constitution of a Governor's Province, its population is less than that of many districts and divisions in other Provinces. Its area also is very thinly populated, only 14 houses to a square mile being its density, its financial resources are small and hence its credit in the open market for the purpose of borrowing on the credit of its revenues, is bound to be extremely small. It is an undeveloped area, which is looking forward to an era of very rapid economic development in coming years, in view of the new factor in the situation, viz., the Sukkur barrage. In order to make that Sukkur barrage itself a success, certain preliminary conditions are absolutely necessary; in the first place, economic and political security in the Interior; in the second place, a rapid development of its communications; in the third place, attention to the new problems that would arise, problems of sanitation owing to the new area being developed agriculturally, and problems of agricultural development. It is on the eve of a momentous change in the economic conditions of Sind that this proposal has been put forward. It is at a time of acute economic depression in trade, which leaves very little money available

for the purpose of development. It is a time when economic conditions of cereal producing countries have been very, very adversely affected, and all the estimates of the barrage rest finally upon the prices of agricultural produce, upon the capacity to export cereals from Sind, nearly ten times the exports which are taking place to-day. It is a time when the World Conference has been considering limitations on the export of cereals and restrictions on the production of food grains that this vast export from Sind is expected. Each of these factors may upset all the estimates. Further, we invite attention to the peculiar political circumstances of the case: the man-power available to run a responsible Government in Sind is extraordinarily poor in quality, particularly within the majority community, whether we take the test of literacy or whether we take the incidence of crime, whether we take the number of educated people understanding English, or whether we take the number of people with a modern outlook. From all points of view, the political circumstances of the case are such that it is difficult to contemplate in the near future the establishment of any kind of democratic responsible government. The broad fact of the economic situation in Sind is that only 2,000 individuals hold 32 per cent. of the land; that 80,000 individuals hold 92 per cent. of the land; that the entire rest of the agricultural population are tenants at will and can be ejected without any notice whatever. The rural areas are completely under the domination of the big Zamindar, and this big Zamindar is not a descendant of the old agriculturist; this big Zamindar is a descendant of a military chieftain who took possession of the land in the disorders of the previous rule and were confirmed in their possession at the time of the British conquest. That is the real position of the situation. On the administrative side, with which the financial question is closely linked up, in the first place, it is a deficit area at the present moment. The Expert Committee stated that the initial deficit would be 110 lakhs, rising to 144 lakhs in 30 years' time. Mr. Brayne has eliminated several of the items which the Expert Committee took into account, and reduced the so-called deficit to 91 lakhs and not 80 lakhs, 11 lakhs being expected to be made up by additional taxation. But this estimate

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of the initial deficit is based on the average of the Revenue during two years, 1927 to 1929, but the actual figures of Revenue in the succeeding years shows a shortage of 20 to 24 lakhs over these basic figures which have been assumed. The Expert Committee itself issued a warning that these basic figures were not to be understood as indicating the deficit in the years 1933 or 1934, when they calculated the normal deficit of 110 lakhs rising to 144 lakhs. The Province, therefore, will have to add immediately to the existing taxation, even if it gets a subvention of 80 lakhs from the Central Government, taxation to the tune of 38 to 40 lakhs. Its total Revenue to-day is  $1\frac{1}{2}$  crores to  $1\frac{3}{4}$  crores. In other words, it means the additional taxation of 20 to 30 per cent. immediately in this period of depression. Mr. Brayne's estimates wash out all the commitments of the Bombay Government for capital and Revenue expenditure in the next 30 years. For instance, arising out of the barrage, is the project of another barrage in Lower Sind to save Lower Sind from ruin. Some money has been provided in the Bombay Government's programme for roads and communications in the Barrage area, but Mr. Brayne's calculations, as distinguished from the Expert Committee's estimates, have eliminated all this expenditure which the Expert Committee took into account on a very, very conservative basis. The second point to remember is that neither the Expert Committee, nor Mr. Brayne, has included in their estimates any money for those independent institutions of research and higher education which every Province in India has, excepting N.W.F. Provinces and Assam, in some respects, e.g., a University, Government colleges of agriculture, electrical engineering, and medicine and technical institutions of all kind. The Province is expected to be dependent upon outside charity and generosity for the admission of its own students, a position which is very unsatisfactory, as revealed by the fate of the Delhi students. The students of Delhi, speaking from personal experience, find the door shut against them in other Provinces, with the exception of one or two individuals admitted to the medical college of Lahore. It does not provide anything for these items of expenditure. The Expert Committee suggested that public servants will have to be borrowed for many Departments from other Provinces, and they point out that this position, from the

political point of view, will be unsatisfactory. The difficulties in the administration of the barrage have been pointed out by Sir Charleton Harrison before the Simon Commission. He stated that for the last 50 years the Sind administration has been struggling continually against the big Zamindar at the upper end trying to have water at the expense of the Zamindar at the lower tail of the canals, and summed up his view by saying that the whole difference between success and ruin of the barrage really depended upon the integrity, impartiality and efficiency in the distribution of water to the barrage lands. Then there are other difficulties such as Sir Charleton Harrison pointed out to the Simon Commission in answer to questions by Sir Hari Singh Gour. At present the Secretary of State and the Indian Government have prevented the Punjab from launching other schemes of irrigation till it is sufficiently known what the effect of the barrage is going to be on the supply of water but under Provincial Autonomy there would be grave difficulties. To-day, in a quarrel over the division of water between the Punjab and Sind, Sind is backed by the Bombay Government which has direct access to the Secretary of State and the prestige of one of the three older historic Presidencies. This, Sir, broadly speaking, is our case against separation. We have in the last paragraphs of our Memorandum considered other possibilities, in case, for any reason of high politics the British Government decides against us. We do not wish to be dragged at all in these high politics, we plead that the question of Sind must be decided upon the basis of the welfare of Sind and Sind alone; that any kind of external considerations of the balance of power between the different communities in India or the dreams of a Pan-Islamic federation with countries across the Frontier or a new consolidated Islamic unit in the Indian Federation should not come in the way of deciding the case of Sind on the basis of the Sind conditions and the Sind conditions alone. That, Sir, is our earnest prayer. We have had the bitter experience of being treated as purely pawns in this game of communal bargaining at the Indian Round Table Conference and at the sessions of the Congress. The second alternative we have hinted at, if, for any reason, the British Government sticks to its commitment to the principle of

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Separation, is that it should not be given effect to till the economic situation improves or the future of the Barrage is known definitely. We are at present really in the dark as to what is going to happen to the Barrage area. If both these alternatives are rejected, we should have at least adequate securities for our protection. We ask for securities, broadly speaking, of four different kinds. In the first place, we want security of life and property. In the rural areas of Sind during the last ten years there have been occasional outbursts of communal rioting and communal dacoities and pretty frequent cases of kidnapping of women and children of the minority communities, which have naturally raised considerable alarm. We require that life and property should be adequately secured. In the second place, if democratic Government is to mean anything, some limit ought to be placed upon the power of the big Zamindar to capture the bulk of the seats on the Sind Council. As I said before 2,000 individuals hold 32 per cent. of the land in Sind and 80,000 hold 92 per cent. and the tenants are tenants at will, completely at the mercy of the Zamindar. Thirdly, we ask for securities for the legitimate rights of the minorities; we ask for no special privileges; all that we ask for is that no member of our community should be discriminated against, on the ground that he is born a Hindu. Whether it is a question of buying and selling land in the open market, or a question of admission to the Services or to educational institutions, we want an open door. In the matter of taxation we want no discrimination against us. We have had a bitter experience of the professional taxes proposed by the local Boards in rural Sind which had to be turned down by the Bombay Government on account of this objectionable feature. Tax schedules were so manipulated as to hit only the minority communities. We have had bitter experience of this mentality at the Sind Conference when proposals were made which hit only the minority communities, their trade and their income. We want protection against this administrative discrimination against the members of our community. Above all, we want some method open to us, in case of mis-government, of turning out a Government that misbehaves. If we have separate electorates, if we have reservation of seats for a majority of 73 per cent., it is impos-

sible to turn out any fanatical Minister. My community, therefore, attaches very great importance to Joint electorates as they would give them some power of influencing public opinion, of forming political parties and of displacing intolerant members. In other Provinces, the minority communities have asked for separate electorates for their protection and not the majority community. Here is a minority community that pleads for joint electorates, and if minorities are to be given the protection they consider necessary, which is consistent with democratic ideas and the principles of democratic government, our case for joint electorates is an exceptionally strong one. We claim adequate representation on the basis of joint electorates. As a matter of fact, we own 27 per cent. of the land, a figure corresponding to our population ratio, but we hold about 13 per cent. more land as lessees and mortgagees in possession, so we pay 40 per cent. of the land tax. We pay almost the entire Income Tax; we pay an overwhelming part of the Excise as it is almost wholly paid by the cities wherein we are in a majority. We form a majority in all the urban areas of Sind. The number of literates among us is three times as large as the number of literates in the Muslim community; that of the English educated people, we have eight times the number Muslims have; of voters to-day we have about the same number as the majority community. We claim, Sir, that as a minority community we have contributed much to the building up of modern Sind with the help of the British Government; the entire educational and administrative system have been built by us; the professions, the trade and commerce of Sind, are entirely our making. We plead, Sir, that such a minority community deserves at least the same weightage as has been accorded to minority communities in other Provinces. That, Sir, is really briefly the case that we have put forward.

A8. Do you wish to add anything, Rai Bahadur Hiranand Khemsing?—(Rai Bahadur Hiranand Khemsing.) No, Sir.

A9. Perhaps I may just put two questions to clear up questions of fact. You said, Mr. Chablani, that the Expert Committee estimated the deficit of Sind at 110 lakhs to start with, rising to 144 in 30 years?—(Mr. Chablani.) Yes.

A10. That was the estimate, not including the out-turn of the barrage?—Yes.



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A11. Including the Lloyd barrage, they arrived at a deficit, with revenue from the Irrigation at full rates of 6.86 lakhs in 30 years' time, and at slump rates 120 lakhs. That, I think, is right, is it not?—They made three estimates, one is on the basis of slump rates, according to which they say, on page 29 of the Report, that the deficit will never be less than a crore. Then they have made an estimate on the average of the two, the slump rates and the full rates, in which case they place the deficit at 63.7 lakhs in 30 years. The last is the estimates based on what they call the full rates.

A12. Yes, I just wanted to get those figures, that is all?—May I draw attention to the fact that about the full rates, they definitely said that it would be "a very rash assumption" on the existing circumstances. Even on the basis of full rates they said that the deficit would be below a  $\frac{1}{4}$  of a crore only after 18 years.

A13. 6.86 in 1962?—Yes.

A14. Then another question on figures, but here more a question of opinion. Do you accept Mr. Brayne's estimate of 12 lakhs as the additional cost of separation?—No, Sir, I do not accept it at all. I accept it as a correct estimate if you include only the items which he has taken into account. But then the standard of administration contemplated is below the standard in some cases, even in the North-West Frontier Province; it is certainly not the Bombay standard of administration; it is not even the Assam standard of administration; it is what the Expert Committee and Mr. Brayne consider as barely necessary to add immediately for running the administration. It does mean a considerable deterioration in the existing standard of our administration.

A15. But then would you agree with his statement that the highest estimate of the additional cost of separation is 23 lakhs?—I do not agree to that. My evidence before the Expert Committee will indicate that. I put it at a much higher figure, about 36 lakhs.

*Sir Reginald Craddock.*

A16. Mr. Chablani, unfortunately Sind was the only part of India that I was not able to visit, or I should have been able to put my questions with more local knowledge. Could you tell me whether the Bombay Government has published any correspondence or despatch of the

Bombay Government which gives an opinion on this subject?—Yes, they published a Memorandum which was submitted to the Simon Commission. It is a published document.

A17. Was it in favour of separation?—Strongly against separation of Sind. If you will permit me, I will quote it.

A18. Have the Bombay Government changed their minds since then?—My information is that they still retain the same opinion.

A19. I remember a good many years ago there was an idea of joining up Sind with the Punjab, was there not?—That was so.

A20. That would not find any favour now, I understand?—The position is that we think that it would be very much better than a separate Province of Sind, because, after all, Sind will be a part of a bigger unit, and there are certain points of common economic interests between Sind and Punjab which certainly makes it a far better proposition than a separate Sind, but we certainly prefer to continue with Bombay. The change of opinion really has been largely in the Punjab; originally the Punjab wanted Sind, but to-day, for certain communal reasons perhaps, neither the Hindus nor the Muslims of the Punjab want it.

A21. I just wanted to find out what your opinion was upon that?—We prefer it to a separate Sind, but our first preference is the existing connection with Bombay. The European Chamber of Commerce has however been always in favour of the amalgamation with the Punjab.

A22. Now I have heard it said that the number of Hindus opposed to separation is quite an insignificant section. Have you any remarks to make upon that point? Yes. I have already submitted, but, unfortunately, it does not seem to have been circulated owing to technical reasons, a pamphlet entitled: "The true facts regarding the separation of Sind from the Bombay Presidency," containing a true statement of facts. In Chapter 2 on page 7 (seq.) the Hindu attitude regarding the Hindu separation of Sind is dealt with at length and the misstatements made by the separationists fully exposed. I have given you the number of prominent people who have openly issued manifestoes and statements against separation. On page 14 you will find their names. On



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page 16 I have given the text of another manifesto. On pages 17 to 19 I have given you the number of Panchayets protesting again it. On pages 21 to 24 I give you the list of 138 Panchayets which have passed strongly-worded resolutions against separation. I have also given you in this the proceedings of various Conferences that has been held in Sind against separation. Then in Chapter 3, you will find the past history of the question before 1924, which has often been grossly misrepresented. All this will show you that this statement has no basis of fact at all, but it continues to be repeated.

A23. Then there are a certain number of Hindus who are in favour of separation, are there not?—No, Sir; at present there is not even one person, but some years ago there were about 19 individuals who came to a certain kind of compact with some Muslims in Sind, and they agreed to the separation of Sind on certain very important conditions which have never been accepted by the general body of Muhammadans. I have got their manifesto, which was issued only the year before last, in which they make their position clear that they would never support separation of Sind without these conditions. For instance, they insisted on joint electorates all over India; they were influenced by outside Congressmen who were bargaining with the Muhammadans outside Sind, and in return for joint electorates and other conditions were prepared to give Sind to Muslims. This handful of Hindus supported that bargain.

A24. That was on conditions which applied to the whole of India, and which were not confined to Sind?—That is so.

A25. That is to say, as part of a bargain?—As part of a bargain.

A26. Taking the purely local points of view, are there some Hindus still who are in favour of the merits of the proposal?—No, there is not one at the present moment in favour of separation on the basis of the White Paper or the Muslim demand.

A27. You are saying this with some confidence?—Yes, Sir. I am prepared to quote the writings and public utterances of people whose names are often cited by the other side. Some of them are even members of executive committees of the conferences against separation.

A28. The Hindus are in a minority of 27 per cent., I think you said?—Yes.

A29. I gather from what you said, that in the matter of wealth and education, they are 50 per cent. of the whole, that is to say, if you take the education and wealth, if you judge it by income tax, for example, you would find that the proportion of income tax paid by the Hindus is greater than that paid by Muhammadans?—The Hindus pay about 95 per cent. of the income tax. The Muslims are largely agriculturalists, who pay no income tax.

A30. But then, when you come to the Land Revenue, the Muhammadans would pay the rest?—Yes, but we also pay about 40 per cent.

A31. Have you got 40 per cent. of the area, or is the 40 per cent. due because you have much richer land?—I am talking of the Land Revenue.

A32. Does it rise to 40 per cent. because the land held by the Hindus is rich land?—No, because of the acreage, either owned or leased.

A33. It is average land?—Yes, it is average land.

A34. If you take the Provincial Service man, and the Subordinate Service and the Civil Services, I suppose the Hindus have got a share in that much more than their numbers?—Yes, in most Departments, but in certain Departments, they are even below the population ratio; in the Police, they are absolutely negligible.

A35. That is the case, of course, in many parts of India, the Muhammadans in the Police. Of course, you have not the Forests there, but in the Police and Forests, and most of those lower Executive posts, the Muhammadans are largely in excess of their population proportion?—Yes, but there is another fact, too. In the last ten years, the Hindus' percentage in the higher Services has gone down considerably. For instance, in education department they have practically been wiped out, because of the transfer of primary education to local bodies. The local bodies have thrown out all Hindus educational officers.

A36. And the higher Civil appointments, like the Judges, subordinate Judges and District Judges—are they mostly Hindus?—I think it is a fair share; we have just a bare majority, I should say, of the higher posts in the Revenue and Judicial Departments.

A37. And the Bar?—It consists almost wholly of Hindus.

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A38. Almost all Hindus?—Yes. Medical men are almost all Hindus, engineers almost all Hindus.

A39. Then the fear of the Hindus is that you would get a Muhammadan Legislative Council, or very largely a Muhammadan Legislative Council which would exert influence over the Ministers?—Certainly.

A40. So that in any action taken with regard to legislation or administration, the Muhammadans would be unduly favoured. That is your idea, is it?—The real position is this: We are not even afraid of that, if the choice of the Muhammadan Ministers is confined to Sindhis. In the Services what we fear is that the Muhammadans, for communal reasons, will import people from outside Sind.

A41. You mean that there are not enough educated Muhammadans for posts drawn from Sind itself, and, therefore, they will get Muhammadans from other parts of India?—Among the graduates, the Muhammadan percentage would be less than 10, among the matriculates it would be, perhaps, below that; among the educated females perhaps, not a single Sindhi Muhammadan girl has passed the matriculation examination.

A42. Then you said you wanted weightage but you did not want a communal electorate?—Yes. We want weightage to the extent of 40 per cent. only for the first ten years. Thereafter we will be quite content with the reservation of seats on the population basis, with the right to contest additional seats, which was conceded by the Nehru Report to all minorities.

A43. Do you want reserved seats now?—Yes.

A44. With a weightage giving you 40 per cent., is that it?—Yes, that is because the communal consciousness at present has been raised to a pitch which will probably impose a very serious handicap on minorities in the first ten years, but given joint electorates for ten years, we expect at the end of ten years we shall not ask for anything more than reservation on the population basis with the right to contest additional seats.

A45. And, in addition to your reserved seats, you would contest for a share of the other seats in the general electorate?—Yes. The broad principle that I am enunciating is the absence of a statutory

majority, so that it would be possible for us to have political parties.

A46. Therefore, you want to have 40 per cent., plus anything you can gain on the general electorate?—No, at present only 40 per cent., ten years after, 27 per cent., which is the population ratio, plus any share of the general seats which we can get.

A47. But how are you going to get that 40 per cent.?—By reserved seats.

A48. With liberty to contest other seats, too?—No, Sir.

Lord Eustace Percy.

A49. Not until ten years?—Not until ten years

Sir P. Pattani.

A50. After ten years, you would revert to the population percentage?—Yes; after ten years we will have the population percentage, plus any seats which we can secure from the general seats.

Sir Reginald Craddock.

A51. Then you said that Sind was inclined to be rather lawless at times?—Yes.

A52. What are your ideas about Law and Order, whether it should be a Transferred subject, or Reserved for a time?—We have asked for Law and Order to be Reserved, and even if the whole thing is not reserved, at least certain species of lawlessness should be reserved—the kidnapping of women and children and dacoities, particularly.

A53. It is a little difficult, is it not, to reserve particular crimes?—If the C.I.D. Department originally was constituted for Thugees, I do not see why a special agency cannot deal with this species of crime in Sind.

A54. You would have a kidnapping and a Dacoity Department, like there used to be a Thuggee Department? It was there in my time?—I am only suggesting it, if for any reason it is not possible to Reserve Law and Order.

A55. But you would prefer Law and Order to be Reserved in the first instance, but, failing that, to have a special Department for the special kind of crimes, that Department being Reserved?—Certainly, and I would certainly add, what I have said on page 13 of the Memorandum, about justice. Unfortunately, we have no High Court, we have only a Judicial Commissioner's Court, which is intended to be raised

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to a Chief Court, but the appointments, whether of the Chief Court or the Judicial Court will rest with the Local Government. We want the highest Court in Sind to be outside of political influence and the appointment of its Judges to rest with the Central Government or the Secretary of State.

A56. What is the composition of the Judicial Commissioners at present?—Four judges, including one barrister and one civil servant.

A57. And the other two are drawn from the Bar?—One man is drawn from the Bar.

A58. Are they Sindhis or from other Provinces?—Only one Sindhi, so far.

A59. What is that, a Hindu or a Muhammadan?—It has been a Christian or a Hindu, so far.

A60. Therefore, you want the Courts, that is to say what you call the Department of Law and Justice, which includes the Courts and the Police, to remain reserved, at all events, for the present?—The position of Justice is slightly different. If the Highest Court appointments are in the hands of the Central Government or the Secretary of State, and there is a separation of the Judicial and the Executive, then Justice need not be formally a reserved subject, because, if the lower judiciary is under the control of the High Court and the High Court appointments are above political influence, then there is a sufficient safeguard.

A61. That is to say, if the judiciary are entirely under the Chief Court, you would be satisfied about them, but the Police would still remain?—Yes.

A62. What about the Magistrates? You know that the separation of the Executive from the Judicial is a difficult question; it is very expensive, it has always been found to be rather too expensive. At the same time, the Magistracy that you get under the present system is a Magistracy that goes about on tour and gets to know local life, and so forth, and they are, therefore, better fitted to discharge their duties from their general experience, whereas a Magistracy who do nothing else are apt to become purely urban. I am only putting to you what is very often the case?—If financial considerations do not permit that reform, then it has to be reserved.

A63. With all your financial difficulties about which you have been talking, the separation of judicial and executive would

merely be a little added expense?—Certainly.

Major Attlee.

A64. Mr. Chablan, your community is the wealthier of the two communities in Sind, I take it?—No. If you include land amongst the forms of wealth, it would not be, because of the big Zamindar who owns considerable land.

A65. In proportion to population, you are a wealthier community, man for man, so to speak?—If you take it man to man, certainly; but if you take the men at the top, then the men at the top are largely the big Muslim Zamindars.

A66. Are most of the trading classes Hindu?—Almost entirely, you could put it as high as 99 per cent., and, of course, the European community.

A67. You say the Hindus and Zamindars are owners, lessees and mortgagees, and they, therefore, pay nearly 40 per cent. of the Land Revenue?—Yes.

A68. Are there a large number of mortgages held by Hindus?—Yes, because the big Muhammadan Zamindar is very often not able to manage his land, and most of his land go to Court of Wards, who lease it to the highest bidders.

A69. Therefore, I take it, your community will have a considerable influence due to its economic position?—Provided there are joint electorates.

A70. Of course, it is quite possible to put up somebody in a separate electorate?—It is not possible at all, with the communal consciousness at present; it will only mean more trouble.

A71. I have heard it suggested elsewhere?—I must tell you about the local conditions. The Hindu merchant is afraid of the big Zamindar, and he can only get on with the good will of the big man. In fact, he cannot execute the decrees of the Law Courts, unless the big man helps him or at least creates no trouble, so that the big Muslim Zamindar, particularly in Upper Sind, has a tremendous power; it is not the merchant class that has the power.

A72. Is your community as a whole in favour of an extension of self-government in India?—Certainly, but may I add here that a denial of the right of the hill tribes of Assam to a separate Governor's Province does not mean denial of the right of self-government to the whole of Assam India.

A73. The point I was going to ask you about was your suggested veto, that the

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Governor should be a non-Muslim, and that anyone in charge of Law and Order should be a non-Muslim for the first 20 years. Is that not rather a dangerous suggestion? What might happen in other Provinces in India?—I do not see the evil. If the position in other Provinces was such that the minority communities were afraid for the security of life and property, they ought to be entitled to have the assurance that they are to be in the hands of somebody they can trust, but I deny that the position is the same.

A74. I have heard exactly the same opinions expressed by minority communities in every Province?—If that is so, I am afraid it will have to be done.

A75. With slight variations, stronger or weaker, but the position has been put pretty fully on that?—If the position is as you state it to be, and if the communal protection rests upon nothing else but the Governor of the Province, there is no alternative.

A76. Now you want to remain in with Bombay?—Yes

A77. You have, as a matter of fact, have you not, had a Muslim Minister for a large number of years in Bombay?—Yes, always we have had a Muslim Minister

A78. How did Sind get on with him as a Minister—all right?—It did get on all right, but in certain cases we had a very sad experience, not exactly because of the Muslim, but because of the combination of the non-Brahmins with the Muslim. The non-Brahmin in the Presidency wanted a free hand against the Brahmins in the Presidency, and he got the support of the Muslim Minister, on the condition that the Muslims would have a free hand in Sind against the Hindu. We had rather a bitter experience, particularly in the Education Department.

A79. Now one other question. Do you expect considerable immigration into Sind when the Barrage gets under way?—I do, and my fear is that the immigration will not be of the quality which Sind needs.

A80. Who will that be, do you think—Sikhs?—Border tribes.

A81. You do not think they will come down from the Punjab?—I do not think the Punjab people will come down; they have already burnt their hands in land investments sufficiently.

A82. Has the proposal been put up to you for joining Sind with the Punjab?—It has never been formally put up

before us, 20 years ago, it was a question of active controversy. At that time, the Muhammadan leader was against it, and this Muhammadan leader commanded the confidence of the Hindus, too. His idea was that economically the Sind peasant would not be able to stand against the Punjabi, and he felt that in the economic life of the Province, with the administration in the hands of the Punjabis, they would be worse off.

A83. One last question with regard to the cost of separation. You suggest that Mr. Braynes' estimate does not allow for a full establishment for a Province on the Bombay model?—Certainly.

A84. But do you think that Sind is entitled to have every kind of institution if it cannot pay for them? Why should Bombay pay for them more than anybody else?—Quite true, but there are certain amenities of civilised existence that civilised people ought to have even in association with others, if they cannot have their own. If Sind cannot have a medical college of its own, it must have it in association with others.

A85. But why should it be paid for by the people of Bombay rather than by the people of All India?—May I give a little explanation? Who are the people of Bombay? I may tell you, as a matter of fact, that other divisions have a larger deficit than Sind. Maharashtra and Karnataka both have a deficit; and Gujarat is just self-supporting. It is only the City of Bombay that has a surplus, and the City of Bombay is not made by any one community or any one particular Division. It is the surplus of the City of Bombay that is financing the rest of the Province.

A86. And as a port, Karachi is the chief rival of the City of Bombay?—We have not seen the rivalry at present. I may refer you to the evidence before the Simon Commission where the Chairman of the European Chamber definitely said that Karachi has not suffered.

A87. The point is whether Bombay should suffer. You are asking that Bombay should pay the cost for its rival port?—Even Sind has contributed something to the making of Bombay. Take the banking community of Multan Shoroffs who are really Sindhis; take the silk trade of Bombay; it is in the hands of the Sindhis.

Sir Hari Singh Gour.

A88. Mr. Chablan, in the Report of the Sub-Committee of the Round Table

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Conference four reasons are given on the question of the separation of Sind; the first is the social and linguistic differences?—Yes.

A89. Second, geographical isolation; third, insistency of demand; and the fourth is not a reason for a separation but a reason for dealing with the question of separation, namely, the question of financial borrowing. I wish to take you through all these four reasons very briefly. As regards the last question, they said they are in favour of separation, if the Expert Committee and the other investigations showed that Sind would be a self-contained and self-supporting Province. In the course of your statement to-day, you said that Lord Russell committed the Sub-Committee to the view that if investigations showed that Sind stood to remain in deficit for a long time, then the question of separation must go by the board. Will you please refer me to that statement?—It is on page 87 of the Proceedings of the Sub-Committee. Sir Phiroze Sethna asked the question.

A90. Then I am limited to this, that if Sind is not able to stand on its own legs, separation does not take place. That is the view of the Round Table Conference?—Yes.

A91. We have therefore to enquire whether Sind would ever be in a position to stand on its own legs. Now, as regards its present and potential revenue, we shall first deal with the present revenue. The present revenue of Sind is a crore and a-half?—Yes.

A92. Rising to about a crore and three-quarters?—Yes.

A93. And the potential revenue of Sind depends upon the success of the Sukkur Barrage?—That is the only source of revenue.

A94. Before the Simon Commission a very long and searching inquiry was made of the Chief Engineer of the Sukkur Barrage, Mr. Harrison—now Sir Charles Harrison—and is it not a fact that he very categorically stated that the future of the Sukkur Barrage is on the lap of the Gods, or words to that effect. Will you please refer me to that statement?—I will refer you to the page.

A95. I think the questions are on pages 121 and 122?—I will give you the exact words. On pages 121 to 122 of the Fifteenth Volume of the Simon Commission Report the question was put

to Sir Charles Harrison “I am told that the Government of the Punjab want to tap the Indus and its tributaries higher up?” His answer was. “They want to take a certain amount of water, yes. (Q.) Have you come to any arrangement with the Punjab Government as to how much they will take and how much they will leave for the use of the Sukkur Barrage?—(A.) The Punjab Government have put in their demands and we have put in our counter-demands, and the matter will eventually come under the consideration of the Irrigation Board. (Q.) Consequently the question of what amount of water you will get in future depends upon the result of the negotiations which are proceeding between yourselves and the Government of the Punjab?—(A.) No, the question at stake is only as to the amount of water we will get in very bad years, and then only for a few days in those very bad years. It is not a question of the failure of the scheme, but of avoiding what might be considerable inconvenience to the Sind cultivator. (Q.) I think I am right in saying that the amount of water you are able to assure to the people of Sind in future depends on the result of these negotiations?—(A.) Yes, exactly.” Then the Chairman intervened, and the question was again put to the witness: “You have the Punjab Government very anxious to utilise all the flow of water that passes through its land, and if a scheme such as that to which the Chairman has referred is brought into operation it will materially affect the success of the Sukkur Barrage?—(A.) If we permit it, yes. (Q.) You see the uncertainty?—(A.) No, there is no uncertainty now the orders of the Secretary of State and the Government of India have been given that until such time as we can prove there is water available the Punjab projects must not be taken in hand. (Q.) Suppose they get provincial autonomy” (that is the important question) “and all the powers of the Secretary of State and the Government of India are transferred to the Punjab Government, then your scheme would be imperilled.” The answer was: “And the Bombay Government will then have to exert its influence to abolish provincial autonomy. (Q.) They will use their good offices with the Government of the Punjab, but the Government of the Punjab might say: ‘This is our water, not yours; hands

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off' In that case, your scheme would be jeopardised?—(A.) That is on the assumption that each province will fight entirely for itself, without any correlating authority, which for the Irrigation Department might easily be the Irrigation Board, a technical Board. If the provinces desire to live together in any degree of amity, they must decide to abide by the decisions of the Irrigation Board for the whole of India. (Sir *Hari Singh Gour*) Yes, but they may or may not, you see. It will depend on the attitude of the Punjab Government, influenced as it must be by its legislative council."

A96. The position then, according to Sir Charles Harrison, is this. There is only sufficient water that flows through the Indus; it flows first to the Punjab and then goes to Sind. The Punjab has been holding up its irrigation scheme out of deference to the orders of the Secretary of State and the Government of India in favour of Sind. If you give provincial autonomy to the Punjab and also to Sind, there will be a conflict of interest as between the quantity of water that each province is entitled to receive from the River?—Certainly, and there have been quarrels.

A97. And as there is not enough water to feed the two irrigation schemes of the Punjab and Sind, the future of the success of the Sukkur Barrage depends upon what development is made in the irrigation projects of the Punjab?—Certainly.

A98. That introduces an element of uncertainty which neither the Expert Committee nor the Brayne Committee went into, but which was present to the mind of the Chief Engineer of the Sukkur Barrage?—Yes, that is so; and there are other uncertainties of which neither the Expert Committee nor the Brayne Committee have taken note; for instance, under the old irrigation project of barrage, they expected to be able to export 130,000,000 tons of cereals. At present the World Economic Conference is considering how to limit production.

Lord *Eustace Percy*.] I do not think we need go into the question of the world demand for wheat.

Sir *Hari Singh Gour*.

A99. Broadly speaking, I suppose what you would say is that the difficulty in the Punjab regarding the apportionment of water is the difficulty that has been presenting itself nearer home, in

Egypt, in the case of the water of the Nile, as to who should get it and how much of the water they should get?—There have been frequent quarrels. Even the Bombay Government have been fighting the Punjab Government on behalf of Sind.

Lord *Eustace Percy*.] We are not here, I think, discussing whether the Punjab should have proper quantities.

Sir *Hari Singh Gour*.

A100. Now I ask you another question. Supposing the middle course is adopted and things go on as we expect they might go on, do you not think that with the accrual of fresh revenue from the Sukkur Barrage Sind will be able to stand upon its own legs, say, within ten years?—Not within 40 years. The Expert Committee itself rules out 30 years.

A101. How long would you give Sind to be able to stand upon its own legs, in any case?—I think the period could be shortened only if somebody were to play the fairy godfather or godmother, whatever you call it, and Sind got a tremendous amount of money for developing Sind. For instance, if you invest now on railways and roads about 50 crores more, probably the whole thing would be hastened.

A102. But would it not be over-capitalised by that time?—Sometimes, on a big scale, things may succeed which, on a small scale, are doomed to failure.

A103. An argument has been used, and Major Attlee had it in his mind when he put to you a question, that the Bombay-cum-Sind Province is now a deficit Province?—Yes.

A104. Somebody has got to pay that deficit amount?—Yes.

A105. Why should you object to paying that amount to Sind rather than to Bombay plus Sind?—May I explain the position? Bombay controls expenditure in Sind and supposing Bombay gets no money for wiping out its deficit—

A106. I am asking you the question?—I am just explaining my position. It is open to Bombay to make a general retrenchment and save a crore of rupees in ways that are not open to a small Province.

A107. The question that I am putting to you is this: Supposing the money which is the deficit at present of Bombay and Sind is allocated to Sind, would it in any way satisfy the claim of the Bombay Presidency without Sind?—No.



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A108. Therefore that argument does not hold good. The claim of the Bombay Presidency, if this amount is made over to Sind, still remains and will have to be made good by the Government of India?—Certainly.

A109. The point, therefore, is that the present difficulty of Bombay plus Sind is no answer to the separation of Sind?—It is no answer at all.

A110. Now I pass to the other questions that have been raised by the Sub-Committee. One is the racial and linguistic differences between the inhabitants of Sind and the Presidency of Bombay. Is there a racial and linguistic difference between Sind and Bombay any more than exists, as it were, in other provinces?—I am afraid even in Sind, Upper Sind and Lower Sind, there is a racial and linguistic difference. Upper Sind is quite different. You will have every ten miles linguistic and racial differences, if you want to go by linguistic and racial differences.

A111. The Central Provinces have got two very sharply divided racial and linguistic differences between the Hindus and the Maharrattas?—Yes. On the other hand, I may point out that commercially the language of Sind even to-day is Gujrati.

A112. The second point raised is the geographical isolation of Sind from Bombay. Is it not a fact, if I understand aright, that the Government of India were going to eliminate this geographical isolation by linking up Sind with a railway?—The Government of India have approved of the scheme and the preliminary work has begun.

A113. And that would do away with the alleged isolation of Sind from Bombay?—Certainly; but even now we have three different means of communications; the aeroplane service, the sea service and the railway service.

A114. The aeroplane at present is not a popular means of communication. The last point that is made by the Sub-Committee is the insistency with which separation has been advocated. I want to know what amount of public opinion and agitation has supported the separation of Sind, and since when?—It is since 1927 that this demand has arisen. The proposals emanated from outside Sind. Before 1927 the leading Hindus and Muslims were all united in demanding a more complete amalgamation with Bombay, by doing away with the Commissioner of Sind Act, which gives the

Commissioner of Sind a certain amount of independence. In 1929 Sir Shah Nawaz Khan Bhutto who was Chairman of the Bombay Legislative Committee attached to himself said that Sind should not be separated from Bombay. He signed the report, which is an official document. He made a somersault at the first meeting of the Round Table Conference.

Major Attlee.

A115. I think he made that somersault, if it was one, while the Simon Commission were going their way round?—At least he signed the Report against the separation of Sind all right.

Sir Hari Singh Gour.

A116. Then what originated the demand for separation in 1927?—It was in the Delhi Muslim proposal first of all. It emanated from a conception of keeping a kind of balance of power, or for holding the Muslim majorities in some areas hostages for the good behaviour of the Hindu majority in other Provinces. Behind it also there have been some ideas of a new federation of the Western States. It has sometimes taken the form of a new unit in Indian federation. The whole idea has emanated from external considerations.

A117. Do you mean to say that you ascribe the agitation to a dream of the consolidation of the Muslim power?—Partly it is Pan-Islamic union with the outside, and partly it is the communal bonds within India itself. That is, holding the Hindu minorities hostages in some parts for the good behaviour of the Hindus elsewhere.

A118. Apart from the external influences that are brought to bear upon this question, is there any local demand on the part of the Muslims?—As I have said, it is difficult to say about the local demand. It is only a few individuals who are putting it up. I even now here have a statement against the separation of Sind from the leading Muslim Councillor of Hyderabad Municipality, who issued only last month an interview with the Press, but I must say that at the present stage of almost complete ignorance the more vocal section of the Muslim leaders certainly are for separation, and they are largely in alliance with the outside forces. I have repeatedly told them to take a referendum, placing before the people the actual consequences of separation, but they have always declined to put the matter to the voters.



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A119. What is the view of the European officials? I do not refer to serving officials, but to those who have retired. What is their view as to the question of separation?—To my knowledge, you could hardly find a retired European official who would say "Yes." As far as the facts given by us are concerned the retired commissioners who are near about London could certainly be asked to tell you confidentially what they think.

Lord *Eustace Percy*.] Certainly, that will always be within the power of the Committee.

Sir *Hari Singh Gour*.

A120. Then your statement is that the European officials connected with Sind who have since retired from service, so far as you know, are almost unanimously against separation?—Yes, so also the European non-officials, through the Chamber of Commerce. The European Association, the Simon Commission have stated, do not want separation.

A121. The European Chamber of Commerce?—The European Chamber of Commerce. The European Association of Sind definitely stated before the Simon Commission that they are against separation.

Dr. *Shafa' at Ahmad Khan*.

A122. My difficulty, my Lord Chairman, is that I did not wish, and nobody from our side wished, to raise this question at all. As, however, it has been raised, in deference to the wishes of the Committee, I am prepared to cross-examine the Witnesses. I am afraid my cross-examination may take some time, because a controversial document has been given to us, and I pray for your indulgence. It is comparatively long. Mr. Chablani, would you kindly turn to paragraph 2 of your Memorandum. I do not at this stage wish to cross-examine you upon what you have spoken of to-day, when we started these Proceedings, because I do not think anything additional to what you have put down in your Memorandum arises, though in the course of the cross-examination, some points have actually been developed by you which will necessitate some examination further on. In paragraph 2 you say that the separation of Sind was opposed by the Bombay Government, the Bombay Legislative Council. Of course, you mean the Committee of the Simon Commission?—Yes.

A123. "The Indian Central Committee, the Simon Commission, the Nehru Committee, Sir Purushotamda's Committee,"

—what is that Committee?—It was a Committee appointed by the All-Parties Conference of Delhi.

A124. In 1927?—In 1927 or, probably, 1928.

A125. "the Indian National Congress, the All-Parties Conference at Lucknow"—which was that? Last year?—No, 1928.

A126. "and the Indian Round Table Conference, but has been made in the teeth of opposition of the Hindu minority in Sind, supported by almost the entire Indian Press, including Anglo-Indian journals like 'the Times of India.'" Of course, I know that the Bombay Government has opposed the separation of Sind, but I am not absolutely certain whether the recommendation of the Committee that co-operated with the Simon Commission, opposed the separation of Sind in principle?—May I read out to you the passage, if you want it?

A127. Yes. It opposed it on various other grounds?—I think it opposed it altogether. I will just read out the relevant passage.

"We feel strongly that the question must be judged mainly, if not solely, from the point of view of the Presidency only. . . . We consider that at the present stage, at any rate, there cannot be any justification for such a step being taken because, from the figures before us, it appears that for financial reasons alone, the proposal is impracticable. The administrative difficulties which have been pointed out by the Government of Bombay are also real and cannot be ignored. Then again it seems clearly desirable that the Bombay Presidency should first of all secure full provincial autonomy. This, it may be safely considered, is within easy reaching distance of an advanced Presidency like Bombay. But if Sind were a separate Province, it could not, at such an early stage, expect an equal privilege, and it would, therefore, inevitably be denied the advantages of any further step forward which Bombay may secure. It must, therefore, in order to secure this advantage, continue to be a part of the Bombay Presidency. As soon as Sind has developed further in material prosperity, and if, as a result of an early and thorough investigation it is found that finances permit, we consider that its claim will demand immediate investigation, etc., etc."

A128. That will do for my purpose. Do you not think that the principle of separation is implied in the paragraph

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you have read out?—I am not able to understand the meaning of the word "separation." The financial, practical, administrative and political considerations are again something which you call a principle.

A129. I do not think they say political there, do they?—They have said political autonomy.

A130. It depended mainly upon the financial considerations then as regards the Indian Central Committee?—Yes, if Sind is prepared to stand the financial burden and put up with administrative disadvantages. That was carried by a majority of one.

A131. Then the Indian National Congress, did it oppose the separation of Sind in principle?—I do not understand the word "principle."

A132. My contention is that so far as the principle of separation is concerned, it was asserted by the Round Table Conference in 1930, but this principle had been accepted by various Committees before?—May I point out what I have said in paragraph 2? Kindly read the words, that "this proposal to constitute Sind into a separate Governor's Province in the new Indian Federation with a subvention from the Federal Government." I submit that all these Reports are against this proposal.

A133. Perfectly right, but I was dealing only with the principle of the separation of Sind?—What about the principle of a subvention?

A134. I will deal with that separately. Then you said that this proposal was opposed by almost the entire Indian Press?—Yes.

A135. What do you mean by the entire Indian Press?—Shall I give you a few? The "Indian Daily Mail", "The Times of India", and the Indian "Social Reformer".

A136. What about the "Daily Gazette" of Karachi?—The "Daily Gazette" of Karachi has never been in favour of separation.

A137. Has it opposed it?—Yes, several times, but you could quote some passage which would raise a doubt whether it did not prefer union with the Punjab.

A138. And, of course, the Muslim Press in Sind have been supporting it?—There is only one Muslim daily paper supporting it.

A139. There is one daily paper, several weekly papers. I have been reading some of them for the last five years?—I do not think there are more than 100 sub-

scribers to the weekly you speak of. I do not read them.

A140. I am not sure about the estimate of their circulation. Now as regards the other point that has been developed by you, that separation was opposed by the Europeans, did the Europeans oppose the separation of Sind before and do they oppose it still?—Yes, all along.

A141. What about Sir Montagu Webb?—A statement was made, and I can give it you.

A142. He is in London?—Yes. He said he never supported such a proposal.

A143. My point is this: That the representative of the European Community on Mr. Brayne's Committee, Mr. Price, was a wholehearted supporter of the separation of Sind last year, and his views were expressed in the proceedings of Mr. Brayne's Committee. He represented and voiced the opinion of the European Community about Sind?—May I say that the Sind Conference were prepared to accept the separation subject to the question of finance.

Lord Eustace Percy.] I think we must really confine ourselves to the arguments advanced by the Witnesses, and the question of how far they represent the community represented by the Witnesses. I do not think we can go into the question of how far they are supported by other sections of opinion.

Dr. Shafa'at Ahmad Khan.] The question was put and Mr. Chablani said quite definitely that the Europeans in Sind opposed the separation of Sind.

Lord Eustace Percy.] I am not complaining of any questions put.

Witness.] May I say that I said the European Chamber of Commerce and the European Association are opposed to constituting Sind into a separate Province, and that statement can be verified by the Statement and Memorandum before the Indian Statutory Commission, and they have never resigned from that position. There is no subsequent Resolution of the Chamber of Commerce or of the European Association to the contrary, not even a discussion on it.

A144. But, I believe, Mr. Price was voicing the sentiments of the European Association on Mr. Brayne's Committee?—You are entitled to draw your own inferences, but that is not supported by any Resolution of the Chamber in question.

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A145. Then in paragraph 3, which is highly controversial, and which discusses some very serious issues, you have dealt with a number of recommendations of various Committees, and then you have, in other paragraphs, attacked Mr. Brayne himself, one of the most capable and one of the most efficient officers who India has produced?—I am sorry, Sir, that any prejudice should be created against me by any such observations. I have made no such observations. Mr. Brayne is a personal friend of mine.

A146 Take paragraph 6. "Nor is this all, the experts themselves differ according to the degree of optimism they can command, Mr. Brayne being invariably more optimistic than the Expert Committee, his task being to balance the Sind budget somehow"—If you ask me a question on it, I will answer it.

A147. I could quote other paragraphs, but I do not want to deal with this aspect of it myself. Is it not a fact that the late Mr Harchandrae and others saw Sir Montagu Webb in 1917 and urged upon him the necessity of separating Sind, which is proved almost from the diary of Sir Montagu himself, which has been published?—Excuse me, the diary says just the reverse, and I could quote to you from the diary.

Sir P. Pattani.] Are these individual views to influence the decision of the Joint Select Committee, I wonder?

Witness.] Here is the text from the diary, page 10: "The interesting part of the discussion occurred when we came face to face with the separation of Sind. The Sind Provincial Conference, which came on behalf of the Congress Muslim League Scheme, wants the abolition of the Commissioner in Sind, pending the creation of a special Province. They do not want a special Province at present because of the expense."

Dr. Shafa'at Ahmad Khan.

A148. Quite, but they did see him?—And the full text of their memorial is given on pages 9 and 10 of the pamphlet on True Facts. If the Committee wants it I can hand it over. I gave it to Sir John Simon.

Lord Eustace Percy.

A149. I wonder if we could shorten the Proceedings, perhaps, if I put this question to the Witness? Is the contention of your Memorandum confined to the issue of the constitution of Sind as a

separate Province in the present circumstances?—Yes.

A150. And you are not arguing, necessarily, in your Memorandum against the constitution of a separate Province of Sind at a future time under different circumstances?—No.

Lord Eustace Percy.] Therefore, I think we can leave the question of principle, perhaps.

Dr. Shafa'at Ahmad Khan.] Yes.

Lord Eustace Percy.] And treat only the existing circumstances.

Dr. Shafa'at Ahmad Khan.] Perfectly right, my Lord Chairman. I was only trying to show that the movement for the separation of Sind had its origin prior to 1927, that the demand had been put forward by the people of Sind long before the Reforms of 1928, and that quite a number of prominent Hindus, Muslims and Parsees have advocated the separation of Sind and had advocated the separation of Sind, since then. That was the only point I wished to make.

Lord Eustace Percy.] Quite.

Dr. Shafa'at Ahmad Khan.

A151. Mr. Samshed Mehta, the Chairman of the Karachi Municipality, I suppose, supports the separation of Sind?—Yes—not unconditionally.

A152. I am talking of the separation of Sind?—But subject to those conditions.

A153. Then as regards the Sind Muslims, I think you said, in reply to a question by Sir Hari Singh Gour, that the prominent Muslims leaders of Sind had advocated the separation of Sind?—After 1927.

A154. But that the masses, if a referendum was taken, would oppose it?—I do not make any statement of this sort. It is very doubtful whether they would agree to stand any burdens. I cannot say what the result would be, because the masses at present are certainly uneducated. I do not know to what extent they would be governed by other considerations. If you talk to them of Muslim Raj, you may get any vote, but if you asked them to vote on a specific measure of taxation, or asked them, "Are you prepared to cut down the expenditure here?" I have not the slightest doubt a straight vote would be against you.

Dr. Shafa'at Ahmad Khan.] I should like to say the Muslim leaders of Sind are voicing the feelings, not only of Muslims, but of a very large number of Hindus.

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Sir Hari Singh Gour.] I should like the Doctor to give evidence, so that I may have a chance of cross-examining him.

Lord Eustace Percy.] Sir Hari, I hope the Committee will remember that we are hearing evidence on this subject from both sides, and, therefore, it will be unnecessary, I think, for the Members of the Committee, or the Delegates, to argue with the Witnesses, because we shall be having the view of the other side presented to us with equal strength.

Sir Hari Singh Gour.] That is so.

Dr. Shafa 'At Ahmad Khan.

A155. Then, Mr. Chablan, in paragraphs 3 and 4, you have adduced reasons to prove that there are no linguistic or racial differences that divide Sind from Bombay?—I never said anything of the sort, in any sentence.

A156. That, so far as the distance is concerned, it is not really very far from Bombay?—I have said that.

A157. Do you not agree with me that parts of Sind are at a distance of about 800 miles from Bombay?—Yes, it takes you more time to reach one end of Sind from Karachi than from Karachi to Bombay.

A158. But you believe, in some cases, it is absolutely essential for persons who have to do with the Headquarters of the Bombay Government to go all the way from one part of Sind to Poona, a distance of 900 miles. Do you not think that people do find it very inconvenient to have to cover all that long distance?—I do not find the distance any longer than between certain parts of Bengal.

A159. Do you not think that there is any difficulty at all?—If you have at the Headquarters, members of the Secretariat, Ministers, Executive Counsellors, who have experience of Sind, I think there is absolutely no difficulty in dealing with the matter. We have rather felt that the Bombay control all along has been for the benefit of the people.

Mr. Davidson.

A160. May I ask what was the reason for the appointment of a Chief Commissioner if it was not a fact that communication was difficult?—He is an ordinary Revenue Commissioner, with certain powers of local government delegated to him from 1860, when for reasons of economy, it was joined to Bombay, and in those days, when there was not even a railway throughout Sind, it was found necessary to delegate certain powers of

local government. It is a historic relic of the past, and, since 1919, certain powers of the Commissioner have been transferred back to the Ministers. In fact, our case has been that those historic reasons now do not exist, that Sind should be placed on a par with other divisions by a more complete administrative amalgamation. That was the case right up to 1922. Hindus and Muhammadans urged time after time in favour of the repeal. That is why the Bombay Committee of the Simon Commission itself now says that those reasons do not operate, that the Commissioner's special powers should be now removed.

Dr. Shafa 'At Ahmad Khan.

A161. Now in the last sub-paragraph of paragraph 4 you have dealt with the question of the appointing of extra heads of all Departments, and creating separate institutions, educational, agricultural, veterinary, scientific, medical, and so on?—Yes.

A162. I think so far as I am concerned, it is futile to discuss these questions, because they have been very thoroughly discussed by the Expert Committee, then Mr. Brayne's Committee also went into it, and later on they fixed the amount that would be needed for separation at 12 lakhs. I cannot possibly go, and I do not think that many persons would be able to go, minutely into the various points raised in it. All that I would like to point out is that the 12 lakhs that would be needed for separating Sind will be, in a way, met by the agreement of the Sind Zamindars, an agreement that was announced by them in Mr. Brayne's Committee, to impose a cess which would realise 11 lakhs of rupees. That objection which we have heard, therefore, will really be met?—Excuse me; in the first place, it is not a correct statement of the position. The Expert Committee refuse to go into it—not that they went into it and rejected it. They say: "It is not part of our task to assess the cost of these independent institutions," the absence of which was urged as a ground for separation, for the university or the medical college, and so on. They said: "It is no part of our task." I submit that when the case of separation is exactly this: that Bombay has neglected Sind because there is no university, because there is no Government college, because there is no agricultural college; that when they want to create a separate Province on that very

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ground, the cost of instituting the Province must include an estimate of the cost of providing these institutions, the absence of which is given as the ground for separation.

Lord *Eustace Percy*.] I hope we shall not get into a metaphysical discussion as to what the cost of separation is to cover. It was used in one quite clear sense by Mr. Brayne, and by the Expert Committee. You may say that you would like to use those words in another sense.

Dr. *Shafa'at Ahmad Khan*.] Yes.

Lord *Eustace Percy*.] But I have intervened, because I am afraid that if we get to a discussion of the financial details of those two Reports, we shall certainly never conclude this discussion. I think that we must assume that those Reports are before the Joint Select Committee; that the Joint Select Committee will take them into consideration with Mr. Chablani's evidence, and that we cannot possibly cross-examine Mr. Chablani on all the points discussed by the Conference or by the Expert Committee.

Witness.] May I just only say one word. The point of my remark is not to question those estimates; the point of my remark in this Memorandum is that this Committee should visualise the kind of Province that is going to be created. It will be a Province in which these amenities would not exist. That is all the point of my Memorandum, if you will kindly look at the concluding paragraph.

Lord *Eustace Percy*.] I quite appreciate your point.

Dr. *Shafa'at Ahmad Khan*.

A163. I simply wish to point out that on pages 46-82, the Expert Committee discussed these proposals very thoroughly, and they went into all these details with the greatest possible care and, if I may say so, with great impartiality. Then, Mr. Chablani, you have said, about the middle of paragraph 5: "Subsequent figures, now available, have fully justified the estimate put forward by the three Hindu members of the Conference, the accounts for the year 1931-1932 showing the Land Revenue collections to be only 92 41 lakhs"?—Yes.

A164. For three years, 1929-30, 1930-31, and 1931-32, owing to extraordinary circumstances of depression and low prices of agricultural produce, the Government of Bombay, like other Provincial Governments, gave special

rebates in the Land Revenue, and that naturally upset the ordinary calculations, but in the year 1932-33, the revision of Settlement of Land Assessment has been effected throughout the barrage area, and besides, the Government have given no rebate whatsoever. This will naturally result in the increase of Land Revenue income in Sind, even much beyond Mr. Brayne's estimate—

Lord *Eustace Percy*.] Is this a question?

Dr. *Shafa'at Ahmad Khan*.] I am putting this forward in reply to the contention put forward in the Memorandum.

Lord *Eustace Percy*.] I really do not think we can get into an argument on the subject. We want to know Mr. Chablani's views, and having ascertained his views, and put any questions for our own enlightenment to him, we must form our own conclusions.

Mr. *Davidson*.] May I suggest, Mr. Chairman, that my own feeling about it is this. If each of us were to go through a Memorandum put in by a Witness, and traverse every statement with which we should not agree, we would be doing two things which I think would be wrong. First of all, we would be disclosing what I think a judicial body ought not to disclose—their own views. We want to ascertain the views of the witnesses. Secondly, I think we would be spending a great deal of time in doing something which was, in fact, not what we, perhaps, ought to do.

Dr. *Shafa'at Ahmad Khan*.] My difficulty is this. For the last two years, the question has been thrashed out in all its details, and we thought that the whole question had been practically settled and finished, as far as we were concerned. Now, in this Memorandum, the old figures and, if I may say so with the greatest respect, the old controversies, have been revived, and as a member of the Muslim Delegation I cannot allow Mr. Chablani's figures to go unchallenged. I should be neglecting my duty if I did. It is for this purpose that I want to challenge the figures which have been given here, because I believe that these figures are proved to be not strictly in accordance with the results of the Revenue administration of this year.

Lord *Eustace Percy*.] I do not complain of any question put for the purpose of challenging one of Mr. Chablani's figures, but you are reading out a long statement.

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Dr. Shafa' at Ahmad Khan.] Not at all. I was simply showing that the estimates of Mr. Brayne's Committee have, not only been accurate, but the actual collections of revenue have gone much beyond Mr. Brayne's estimates, and that the proposition he put forward is really a workable proposition, but Mr. Chablani says, "No, the estimates are really under-estimates."

Witness.] My answer is that, in the first place, the accounts for the year 1932 to 1933 are not closed, and no figures are available. What Dr. Shafa'at is putting is really an assumption on the basis of something he has heard. Really, no accounts will be available till October for the year 1932-33. The second thing is that there is a good deal of confusion and mixing up of figures. The revenue figures for 1932 and 1933 mix up two things; the non-barrage area and the barrage area. So far as the barrage is concerned, we have included those estimates in the estimates of income from the barrage. If you take the two then certainly the income is greater in 1931, but whether the revenue is greater than the figure that I have given for 1931 to 1932, plus the expected revenue from the barrage, would be quite a different matter. For proper accounting you have to add these two things together in order to see how far the actualities agree with the estimate. The statement made by Dr. Shafa is not strictly accurate. As the world knows, since 1925 there has been a fall in the prices of agricultural produce, with only slight variations here and there, and since 1929 it has been exceptionally severe. Whether we should count the prices of 1919 and 1918 as normal, or whether we should consider 1925 to 1929 as normal, or 1929 to 1932 as normal—these are three different issues. What we are banking on is the continuation of conditions which existed in the post-war and the war boom periods; those are the periods on which full rates of the Barrage are based.

Lord Eustace Percy.] May I simply say this, that all of us who have had to examine Indian finances, or even the finances of any country at the present moment know that all the figures given in all reports, and all the figures given by Mr. Chablani in evidence, are highly hypothetical and should be subjected to the very closest examination, and the Joint Select Committee will subject them to the very closest examination before they accept any figures put before them.

On that understanding, I suggest that in this Sub-Committee we should refrain from any detailed attempt to impugn any figures in any of these reports, leaving that to a subsequent examination.

Dr. Shafa'at Ahmad Khan.] I accept your ruling, my Lord, and I will not refer to any figures, but this, of course, should not imply that I accept the figures which have been given in this memorandum.

Lord Eustace Percy.] Nor do any of us at the moment.

Dr. Shafa'at Ahmad Khan.

A165. Quite. (To the witness): Then turning to paragraph 7, this, if I may say so, with the most profound respect, is a highly controversial paragraph, and I certainly do not desire to deal with it in detail. I think you will agree with me that the impression is likely to be created (I will not go further) that you are really indicting the whole Muslim community of Sind?—I am not

A166. I must say that is an impression it has left on my mind, and therefore I do not wish really to go into its details. I am absolutely certain of this, that all the sensible, and all the best, elements of the Hindu community of Sind do not subscribe to this paragraph?—I do not understand upon what authority your statement is based. I certainly dispute the statement. They are only facts and figures which can be got from the Government publications. I have merely put them together. I am prepared to give proofs.

A167. I will mention only one point then regarding the riots you have mentioned, the Larkana riots. The witness has mentioned in paragraph 7, the Larkana riots, the Jacobabad murders, the organised gang dacoities in the Sukkur District, and so on?—I do not wish to deal with all this; it is very distasteful; and if I had to perform the duty of collecting all the facts from my own province I could give about 10 times the amount; but I do not wish to do it. I am also a member of the minority community. I have always said that I am quite prepared to have confidence in the Hindu community, and I have always taken this attitude.

A168. You have mentioned about the Larkana riots. So far as the Larkana riots are concerned, am I right in my information that the judgment of an impartial judge like Mr. Norman is an adequate proof that all the 80 Muslims



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that were clapped in jail at the false complaint of Hindus were innocent and were liberated?—Excuse me, I deny the fact that it was on the initiative of Hindus, it was a police case. The Police got at some people; some people were innocent.

A169. But were they liberated?—Of course not. One was convicted. That is my grievance. The riot took place in broad daylight in the district headquarters. The whole of the headquarters was given over to rioting and yet not one man was punished.

A170. Mr. Norman's judgment is very clear upon that point?—It is a reflection upon the Police investigation, on the insufficient evidence they collected.

Lord Eustace Percy.

A171. That was not the question put to you. The question was, what was the judgment?—I am not aware of that judgment at all. I am only aware that not one man was convicted.

Dr. Shafa'at Ahmad Khan.

A172. Then you refer to a very curious phenomenon, which is called the Anglo-Muslim alliance, in paragraph 8. What is that alliance?—You have heard of the Minorities Pact?

A173. Yes; but what does this passage refer to?—All that I am saying is that there is a great prejudice against the Hindu community at the present moment. I am giving expression to the feeling that we wish our case to be judged on its merits, and not because of anything Hindus might have done in other Provinces. We do not want that our case should suffer because of the associations with various matters.

A174. Is there a great prejudice against the whole Hindu community?—We do find it.

A175. Here, also, in England?—The feeling has been expressed, and it is as much a fact as a fact itself.

A176. I will not deal with it further. I only wish to say that I have not come across any instance of it?—Then I see no reason why Sind should be separated.

A177. Then I will not deal with the historical portion with which the rest of that paragraph is concerned?—I would welcome any examination upon that.

A178. Then, later, in paragraph 8, you give, if I may say so, the constructive part of your memorandum. You make certain suggestions for protecting the life and property of the Hindu community?—Yes.

A179. Are you prepared to concede the same rights to Muslims in minority provinces?—Yes, wherever the conditions approximate to Sind.

A180. But do you not think that the Muslims in minority provinces will also say that their condition too is very peculiar?—It is for the Joint Select Committee to see if the facts are approximately what we have suggested, and if the facts elsewhere are approximately as we have pointed out for Sind, I suggest that they should be protected in the same way as we have asked.

A181. If they are, what happens to constitutional reform in India?—After all, in any constitution there are elements of civilisation that must form the basis of any constitutional structure. All that I ask for is that those essentials of modern civilisation must be maintained at any cost.

A182. Personally speaking, without committing anyone, I should have thought that we are starting a new era in India, and that we should have gone on the policy of forget and forgive, and starting a new chapter in a very big book. I, personally, when I issued my interview last year, after my return from India, advise all the Muslims of Sind to be as generous as they possibly could to their brethren?—Did they?

Lord Eustace Percy.] Here again this is hardly question and answer.

Dr. Shafa'at Ahmad Khan.] Mr. Chablan, in his memorandum, has said that it is the Muslims from outside who have started this agitation, and I want to disprove that. I feel that this demand has really sprung up and originated in Sind itself, and Sind Muslims are undoubtedly backed by Muslims from other provinces. In the first place, the movement to which Mr. Chablan has referred is not supported by any responsible Muslims in any part of India. I can assure you, Mr. Chablan, that, so far as Muslim outside officials are concerned, they have got no other desire but to see a contented Sind in which the Hindus, with their extraordinary power of organisation, their wealth, their culture, pull their weight and play their part in building up a new Sind.

Lord Eustace Percy.] Dr. Shafa-at was, I think, perfectly justified, from his point of view, in making that statement in reply to the statements made by the witness in the memorandum before us; but that statement having been made, I



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think we can pass now to the next question.

Dr. Shafa' at Ahmad Khan.] I have finished, my Lord Chairman.

Sir P. Pattani.

A183. With reference to the remarks which the Witness has made in reply to questions put by my four colleagues on the other side, I do not know that I can add anything very important by putting many more questions. I will only deal with three questions. I think that a perusal of your Memorandum shows that we come to only three important issues, namely (1) Your fear, which is a communal sentiment, merely; (2) that you are afraid of administrative inefficiency; and (3) the incapacity for bearing financial burdens. Beyond that, I do not think there is anything really important. Now with regard to the first, namely, the communal sentiment, do you not think that this has been a recent growth, considering its historical point of view, that even the Muhammadan was not a communal man before, because if he had been, there being 800 years of Muhammadan rule, no Hindu would be left?—May I answer that that refers to the peculiar history of Sind right up to the 17th century. Your broad generalisation is true, that the rule of the Muhammadan in Sind was not very oppressive; but when you come to the 17th and the 18th centuries, you will notice something like a catastrophe has taken place. In 1699 the population of Sind is 10 Hindus to 1 Muslim; in 1790, it is 2 to 3; in 1930, it is 1 to 4. One can easily see what a transformation took place during that period. So, in a space of about 100 years, something like the destruction of an old civilisation took place. That was the position at the time of the British Conquest; it is really a slow recovery under the British rule that has taken place, and during this period of slow recovery, right up to 1919, I should say, the communal problem did not exist in Sind, under the strong British administration. It is only since 1919 that it has begun, and with the death of the Great Muhammadan leader in 1924, Mr. Bhurgir, things have become very bad indeed in Sind.

A184. Do you not think that if the administration of the Province is altered in the way suggested, things may improve?—It is quite possible to improve it; I hope it will improve, but the pro-

cess must be left open for improving it, and the process that I can visualise is nothing short of a complete joint electorate. That is the only process that they can gradually understand, probably, not statutory majorities and separate electorates. That is not the path along which any communal adjustment can take place in Sind.

A185. So you are afraid of the majority of the Muhammadan community not giving you a fair share in the administration?—I would not like to put it like that.

A186. The majority community in that Province?—You can put it as a majority of the Muslims in Sind, because, after all, the Muhammadans in Sind do belong to different stages of civilisation; some are 20th century men; others have hardly emerged from the 10th.

A187. It is, therefore, that you have suggested that the Law and Police should be Reserved and that there should be financial solvency?—Yes.

A188. You know that the Governor has the special power reserved to himself to intervene and protect life and property in any Province in India?—I do feel that if things go very, very wrong indeed, a strong Governor would intervene, but so far as the ordinary affairs of life are concerned, I do not think the Governor would feel that, in discharge of a special responsibility, he ought to intervene. Take, for instance, the kidnapping of women; take, for instance, a riot in one particular place. By itself it may not justify the Governor intervening; it is only when he finds a cumulative series of incidents over a couple of years that he might think it is sufficient cause for him to intervene, but it is not a consolation to a minority community that only when things go very wrong and are about to break down the Governor will act.

A189. But that is likely to happen in any other place?—If you have got an area which has a long border inhabited by wild tribes in which 14 houses to the square mile is the density, in which communications are so imperfect as in Sind, in which there are 10,000 miles of desert land, in which cattle lifting is an ordinary sport, as a former Commissioner of Sind put it, in which the crime incidence is the highest, and literacy the lowest in India—if such conditions exist in the rest of India, I must say Law and Order must be reserved.

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A190. I will not proceed on that question any further. Then the second question is the administrative inefficiency due to illiteracy, as you said just now?—From two points of view, the financial resources are not adequate.

A191. I am coming to the financial aspect last. With regard to the fear of administrative inefficiency because of the illiteracy of the majority of the inhabitants of that Province?—I will not put it so strongly as that. Because of the kind of elected member that is probable under the conditions existing in Sind. After all, if only the elected members are enlightened, one would expect a different state of affairs.

A192. That is your fear?—That is my fear.

A193. That the administration will suffer and there not being capable administrators to run the State?—The Muslim Zamindars are only interested in only two things, water and gun licences.

A194. It is, therefore, that you would like to remain in Bombay, because your idea, probably, is that by contact with a far advanced portion of the Presidency, the backward Province may develop and progress towards improvement?—That is exactly my idea. As a matter of fact, it has happened that way.

A195. Do you not think that by making people responsible for their own domestic affairs, they will, in course of time, work more for their own welfare?—I do not see a sufficient amount of leadership at present.

A196. Being like that and linked to a Province at this distance and not having a State in the hands of the people, there is less chance of a Province advancing than if it took the chances?—May I refer you to the achievement of Bombay during the last 10 years as far as Sind is concerned. How much capital expenditure has been incurred in Sind by the Bombay Council? I think that the record of the Proceedings is a sufficient answer as to what progress has been made when Sind, along with Bombay, has ruled the Presidency.

A197. I do not want to prolong the controversy unnecessarily. You said that the Muhammadans want to hold the Hindus in Sind as hostages, in order that the majorities in other Provinces may behave. Is that really the danger? Do you believe in this?—I do, because I have given you the ground.

A198. I am sorry if you do. Then this Constitution, if granted to India, will be a Constitution for mutual harassing, instead of self-government. Now the last question, which is financial incapacity of the Province to administer itself. You will agree that if Sind finds its own funds, you will not oppose separation?—I never suggested that.

A199. So it is only a question of time?—If Sind, not only meets its own deficit at present, but could go on at the rate of progress at which it has been going on with Bombay, then certainly most of my objections would disappear.

A200. If Sind takes it over, promising that they will put on no taxes rather than be linked with Bombay, would you agree with that?—Everybody says somebody else should be taxed.

A201. Without discrimination of communities—no discrimination in method of taxation?—May I submit that under the economic conditions of Sind, there are only about who have individuals of taxable capacity, the big Zamindars, and there is no ghost of a chance of their footing the bill. The Bombay Council, on every occasion, have refused to tax them.

Lord Hutchison of Montrose.

A202. I have only one question. All the points that I wanted to ask have been touched upon. As regards administration, you point out in paragraph 4 of your Memorandum, that if Sind became a separate Province, it would have to borrow officers from other parts of India?—Yes.

A203. And for that reason, there would not be sufficient control over those officers?—Not a great amount of control.

A204. And the argument you give is that administration would be faulty because their future advancement does not lie in the hands, as they would be, of their permanent servants?—That is one reason. The second is that sometimes a comparatively junior official will shoot up into a responsible position, and sometimes very good people rot in subordinate positions.

A205. But, surely, good administration does not depend on the control over the advancement?—It does certainly depend on the efficiency of people. A good many people would like to go to a Province which is sufficiently slow for them.

A206. Is not the administration to-day run very largely by the bulk of the people

17<sup>o</sup> *Julii*, 1933.] Mr. H. L. CHABLANI and RAI BAHADUR  
HIRANAND KHEMSING.

[*Continued.*]

borrowed from other areas?—That is perfectly true; but the bulk of these men are under the same provincial government at present.

A207. The other question in relation to that is this. Do you think it is necessary for a Minister to enforce his control over the administration and to have the welfare of the officers in his hands?—No. I would certainly welcome that; but under the system contemplated it would not be so.

Lord *Eustace Percy*.

A208. I should just like, before rising, to ask one question. You have mentioned in your memorandum several cases of unfortunate incidents in Sind, riots, and so on, and you have emphasized that in your verbal evidence. That has taken place under the existing Bombay regime, has it not?—Yes, when the Bombay Government had to retrench Police expenditure.

(*The Witnesses are directed to withdraw.*)

(Ordered, That the Sub-Committee be adjourned to Wednesday next, at half-past Ten o'clock.)

DIE MERCURII, 19<sup>o</sup> JULII, 1933

Present

Lord Hutchison of Montrose.  
Major Attlee.  
Sir Reginald Craddock.

Mr. Davidson.  
Lord Eustace Percy.

DELEGATES.

Sir P. Pattani.  
Sir Hari Singh Gour.

Dr. Shafa' at Ahmad Khan.

The Lord EUSTACE PERCY in the Chair.

Sardar M. V. KIBE and Mr. L. M. DESHPANDE are called in and examined as follows.

Lord *Eustace Percy*.

A212. Sardar Kibe, you are President of the Sardars and Inamdars Association of the Bombay Presidency?—(Sardar Kibe.) Yes.

A213. Mr. Deshpande is President of the Inamdars Central Association, of Satara?—(Mr. Deshpande.) Yes.

A214. You have presented to us a Memorandum with accompanying statements?—(Sardar Kibe.) Yes; they are as follows:—

#### MEMORANDUM 44 BY THE SARDARS' AND INAMDARS' CENTRAL ASSOCIATION OF THE BOMBAY PRESIDENCY.

On behalf of the Sardars' and Inamdars' Central Association of the Bombay Presidency representing the ancient landed aristocracy and gentry of the Bombay Presidency, we have the honour to submit the following statement to the Joint Parliamentary Committee.

It has been the proud and esteemed privilege of this Association to represent the class of the landed aristocracy and

gentry commonly called as "Landholders" before all Parliamentary Committees and Commissions. This Association had on previous occasions presented the views of our class to the Right Honourable Mr. Montague and His Excellency Lord Chelmsford in 1917, to the Parliamentary Franchise and Subjects Committees in 1919, to the Muddiman Committee, to the Simon Commission,

19<sup>o</sup> *Julii*, 1933.]

[Continued.]

and to the Franchise Committee presided over by Lord Lothian. Our Association had the honour of being called upon to send representatives to tender oral evidence before all the Committees and Commissions mentioned above.

This Association had also sent a statement to the Second Round Table Conference on behalf of the Sardars and Inamdars of the Bombay Presidency.

#### *Representation.*

1. We feel it a misfortune to record that our representation in the Legislature was not increased in proportion to the increase in number of members of the Legislatures by the reforms of 1892, 1909 and 1919, in spite of our strenuous efforts to secure it. It is a great injustice to our class, and we felt keen disappointment when the White Paper not only perpetuated the injustice, but intensified it by not increasing our seats. Our class claims increased and adequate representation consistent with the magnitude of our interests, our historical and political importance, and our great utility to the nation by securing stability and by guiding its progress on sound lines.

2 The Sardars and Inamdars of the Presidency proper (exclusive of Sind) own 2,070½ villages as alienated, the total number of villages in the Bombay Presidency proper being 20,834½. The alienated land revenue of our class is Rs. 1,07,13,995 the total land revenue of the unalienated villages being Rs. 4,80,15,007. It can thus be roughly said that the Sardars and the Inamdars hold one-tenth of the villages of the Presidency proper and one-fourth of its revenue. We urge that the magnitude of our interests entitles us to have adequate representation, and we are not and cannot be satisfied with merely two seats which the White Paper allots to us.

3. Our class has on its lists persons of all religions, castes and communities and we are above all narrow feelings of communalism which is so rampant in the Bombay Presidency at present. Our presence in adequate numbers will be a great asset to the Legislatures.

4. We form an educated and cultured class which has the advantage of coming into direct contact with the public and with the Government and all its Departments, and no class is better fitted for the development and uplift of the villages and the rural population which forms the vast bulk of the population.

5. Paragraphs 147 and 148 of the Montague-Chelmsford Report describe us and lays down the policy with respect to our class as follows —

“The acknowledged and natural leaders in the country areas are the landed aristocracy. They generally represent the ancient and well-born families, and their estates are often the result of conquests or grants from some mediaeval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them out into the political lists.”

6. The representatives of our class will always be persons of balanced views and will be of great help to direct the progress of the nation on proper lines.

7. Our class has the largest stake in the country, and with our education and culture, our representatives in the Legislatures will be guided with reason and responsibility.

8. The principles of natural justice entitles us to have an increase in the number of our seats proportionate to the increase in the number of members of the Legislatures.

9. All alienations or Inams are included under the head of land revenue for administrative purposes which has so long been a reserved subject, and the Executive Government is not at present bound by any vote or resolution of the Legislature. Such a resolution of the Legislative Council is merely recommendatory and not binding on the Government. This will change with the advent of provincial autonomy when the land revenue will be a head directly subject to the provincial legislature. Instances can be quoted when the majority party in the Council have tried to rush through anti-landholder legislation, and where the Government at times came to the assistance of the landholders. The experience of the past twelve years has given sufficient proof of the existence of a strong feeling against the landholders' class. A solitary representative of the landholder class cannot meet all adverse criticism under the existing rules in a House of one hundred and seventy-five members, and this aspect strongly strengthens our case for increased and adequate representation.

10. Having regard to all these considerations, we modestly claim twelve seats in the provincial legislature and two in the lower house of the Federal Legislature.

19<sup>o</sup> Juli, 1933.]

[Continued.]

11. Assuming that the Sardars and the Inamdars are given 12 seats in the Provincial Legislatures we suggest that three seats should be allotted to the Northern Division, four to the Southern and five to the Central Division. Our Association strongly favours plural constituencies with cumulative voting.

*Second Chamber for Bombay Presidency.*

12. Our Association has strongly been favouring a Second Chamber for the Bombay Presidency. We fail to understand why a Second Chamber was constituted in three Provinces only and not in the Bombay Presidency, where there is a consistent demand for the same. We urge with all force that this question should be reconsidered.

13. The bi-cameral system of Legislature prevails in almost all European countries, and in America which has the reputation of being the most democratic country. The units constituting the American Federation have a Second Chamber. Experience has proved the desirability and utility of a Second Chamber.

14. The Indian Provinces which will constitute the units of a big Federation and which have a population which is divided by acute feelings of castes, communities and religions, the need for a Second Chamber is the greatest. It is inconceivable that at the threshold of a new era of great constitutional reforms, the affairs of the vast areas and populations of the Bombay Presidency should be left to the unrestricted control of a single Chamber. We do not think that the power of veto or the extra-ordinary powers vested in the Governor will be in practice an effective check on hasty, ill-considered or discriminating actions of a single Chamber. The check for over-hasty and panicky or anti-communal legislations must be found from within, and cannot either effectively or for a long time be imposed from without.

15. The necessity for a Second Chamber is more pressing at the initial stage of Provincial autonomy when the Legislature will be new to the Power with which it will be invested, and the voter has yet to learn the value and proper use of the vote.

16. We have the honour of pointing out that there is a clear demand for a Second Chamber in the Bombay Presidency. The Committee of the Bombay Legislative Council co-operating with the Simon Commission, the Bombay Provincial Franchise Committee and the Bombay

Government have made definite recommendations for the establishment of a Second Chamber.

17. We are compelled to observe that the recommendations of the White Paper contained in paragraph 74 of the Proposals are like putting the cart before the horse. The real necessity for a Second Chamber exists during the initial stage of the reforms, and the proper course, we suggest, would be to establish a Second Chamber in the Provinces at the outset with provision for its abolition at the end of twenty years if the public opinion favoured such a course.

*Guarantees.*

18. Our Association has all along been pressing the question of guarantees for safeguarding the property rights resulting from solemn pledges and Sanads given by the Secretary of State on behalf of His Majesty's Government. Our Association feels grateful that the question was favourably considered by His Majesty's Government as announced in paragraph 134 of the White Paper.

19. As observed in paragraph 147 of the Montague - Chelmsford Report, "The estates of the landholders are the result of conquest or grants from some mediaeval monarch." In pre-British times many of the ruling princes and many of the landholders stood practically on the same level. After the introduction of the British Government, "landholders" having extensive territories were constituted into ruling princes by entering into treaties with them. Such of the old magnates as did not then possess extensive estates were not invested with territorial powers and these now constitute the class styled as "landholders" of the Bombay Presidency. Solemn pledges were given and Sanads were issued to them on behalf of the Secretary of State for India as representing His Majesty's Government that their estates would be continued to them from generation to generation without any further increase in land tax or succession duty. Our Association urges that the Indian or Provincial Legislatures should not be given any power to impose any tax on Inams and Saranjams in contravention to the terms of the Sanads and pledges, nor should they have any power to attach, abrogate or curtail an Inam or Saranjam in any way either directly or indirectly, and that specific provisions be inserted in the new Government of India Act to effect this.

20. As stated above, the landholders and the Ruling Princes stood on the same

19<sup>o</sup> Juhii, 1933.]

[Continued.]

level in pre-British times, the only difference being the extent of their estates and their political importance. While it is unanimously agreed that treaties made with the princes shall be respected, our claim for statutory provision for respecting the Sanads and pledges given by His Majesty's Government is just, modest and reasonable.

21. There are many alienations guaranteed and recognised by the British Government which have passed on account of territorial exchange in some Indian States. Such alienations are mentioned either specifically or in general terms in the treaties with the States concerned. These alienations were not included in the calculations of revenues forming the basis of exchange of territories. Fortunately, now the representatives of the Indian States are sitting along with the representatives of British India and His

Majesty's Government, and we most earnestly request that specific provision should be made in the new constitution for their undisturbed continuation without any interference or hindrance by such Indian States. The Indian States have no claim over them, and these alienations ought to revert to the British Provinces concerned in case of lapse.

22. In case of any dispute arising with respect to such alienations, the British Courts should have the exclusive power to adjudicate with respect to them.

23. We request that specific provisions should be incorporated in the new constitution which would safeguard undisturbed continuation of such alienations.

We respectfully request Your Lordship and the Honourable Members of the Committee to condone the delay in submitting this statement.

#### MEMORANDUM 45. SUGGESTED MODIFICATIONS FOR THE BOMBAY PROVINCE.

##### (1) Central Division:—

(a) Deccan Sardar or Registered holder of an alienated village, 1 seat.

(b) Holder of Inami lands assessed at not less than Rs.500/-, 1 seat.

##### (2) Southern Division:—

(a) Deccan Sardar or Registered holder of an alienated village, 1 seat.

(b) Holder of Inami, or Khoti lands assessed at not less than Rs 500/-, 1 seat.

##### (3) Northern Division and Bombay Sub-District:—

(a) Gujerat Sardar or Registered holder of an alienated village, 1 seat.

(b) Holder of Inami or Talukdari lands assessed at not less than Rs 500/-, 1 seat.

N B.—Where there are more than one Registered Holder of an alienated village, all the Registered shareholders should have the right to select a delegate from among themselves to record vote for that village.

Total number of seats claimed by the Bombay Landholders is six.

#### MEMORANDUM 46.

Dharwar (Bombay Presidency),  
17th April, 1933.

From H. R. Desai, Esq., B.A., LL.B., M.L.C., Secretary, The Bombay Provincial Sardars and Inamdars' Conference Working Committee, Dharwar (Bombay Presidency), to the Clerk to the Joint Select Committee, House of Lords, London.

SIR,

I have the honour to confirm the following telegram sent to you by me to-day:—

"Bombay Sardars Inamdars Conference Committee offers evidence through M. V. Kibe of Indore."

The evidence to be submitted on behalf of the Landholders of the Bombay Presidency is on the following points:—

(1) The seats allotted to the Landholders of the Bombay Presidency proper by the White Paper are grossly inadequate. In the present Council, the Presidency proper has only 2 seats for the Landholders, and Sind has 1 seat. In the future Council, with 175 seats, the Presidency proper, with a population of 18 million, will continue to have the same number of seats, viz., 2 for the Landholders, as in the present Council, whereas Sind, with a population of 3.9 million and with a Council consisting of 60 seats will have two seats for Landholders as against one seat allotted at present.

The extent of the interest of the class of Landholders in the Presidency proper has to be taken into account. Nearly one-tenth of the total number of villages in the Presidency proper are held in

19<sup>o</sup> July, 1933.]

[Continued.]

Inam, and the "alienated" revenue of all "alienated" holdings (including the Inam villages) is nearly one-fourth the total Land revenue. Further, the importance of this class is specially noted in the Montagu-Chelmsford Report in paragraphs 147 and 148. It may also be noted that the class of Landholders represents almost all the leading castes of the country, viz., Brahmans, Marathas, Lingayats, Jains, and other Hindu castes, including the depressed classes, and also the Mahomedans.

It has also to be noted that questions of land tenure are likely to engage the attention of the Provincial Councils, and it has been regrettable to notice that the tendency of the Councils has been to undermine the position of the Landlords, especially in relation to their tenants. With the large extension of the franchise now proposed, this tendency is likely to be further emphasised in the future, and the Landholders cannot look with equanimity to that future unless they are given sufficient safeguards, of which adequate and separate representation must be one.

There is one more reason why more seats should be allotted to this class. The Presidency proper is comprised of three divisions, the Northern (Gujarat), the Central (Maharashtra) and the Southern (Karnatak, with two Marathi-speaking districts of Ratnagiri and Kolaba). The Sardars and Inamdars of the Northern division have one seat allotted to them, and the Sardars and Inamdars of both the Central and Southern divisions have together only one seat. The Central division includes eight districts, all Marathi speaking, but the Southern division includes six districts, of which four are Kanarese speaking and two are Marathi speaking. Of the four Kanarese-speaking districts one, viz., Karwar, has no Inamdar or Sardar, so that the Kanarese Inamdars and Sardars of the three districts with about 250 voters are always at a disadvantage numerically when they have to compete with the Inamdars of the Marathi-speaking districts, wherein the number of voters for the special constituency is more than 350. The number of voters in the Southern division is equal, if not more, than the number in the Northern division, and there is absolutely no reason why the Southern division should not have at least one seat allotted to it separately, as recommended by the Bombay Government.

(ii) It has to be noted with satisfaction that at page 61, paragraph 134, of the White Paper, reference has been made for the safeguarding of the property rights under Contracts of Sanads or Orders. It is suggested that an illustrative note may be added to the new Government of India Act making specific mention for the safeguarding of the guarantees given by the Secretary of State for India on behalf of the Crown by the issue of Sanads and Orders.

(iii) There should be a Second Chamber in the Bombay Presidency as well. Such a Chamber will, in addition to assuring stability and exerting a steady influence, avert precipitous legislation.

(iv) Agricultural income should not be liable for Income Tax, as it would be a double tax in some cases and would be violating solemn pledges given by express Sanads in others.

The above are the salient points on which evidence is proposed to be given as affecting particularly the class of Landholders of the Bombay Presidency proper.

As regards the selection of the person to submit the evidence, I am directed to suggest the name of Sardar Rao Bahadur Dr. M. V. Kibe, M.A., Ph.D., M.R.A.S., Deputy-Prime Minister of Indore. The Sardar-Saheb had been the President of the third session of the Bombay Provincial Sardars' and Inamdars' Conference held in Dharwar in May, 1931. The Sardar-Saheb had also the unique advantage of having attended the second session of the Round Table Conference, though on behalf of the Indore State, and, while in England for that purpose, had carried on a lot of propaganda work on behalf of the class. It may be mentioned that he has, all along since 1931, been taking an active part in the interests of the Bombay Presidency Sardars and Inamdars and had also been given an opportunity of waiting on His Excellency, the Viceroy, specially for that purpose in 1932. Thus he is eminently fitted to give evidence on behalf of the class before the Joint Parliamentary Committee, and I earnestly pray on behalf of the Conference Working Committee that he should be invited to give evidence.

I have the honour to be,

Sir,

Your most obedient Servant,



19<sup>o</sup> July, 1933.]

[Continued.]

MEMORANDUM 47 ON BEHALF OF THE PROVINCIAL CONFERENCE COMMITTEE OF THE SARDARS, INAMDARS, VATANDARS AND TALUKDARS OF THE BOMBAY PRESIDENCY.

1. We present this Statement on behalf of the Bombay Provincial Conference Committee of the Sardars and Inamdars.

The first Provincial Conference was held at Satara under the auspices of the Inamdars' Central Association, Satara. It was due to an idea to widen the scope of the activities of the different Associations for consideration of the problems regarding the class. The Associations are restricted to members and the Conference is open to all.

The second Conference was held at Poona, under the auspices of the Doccans Sardars' and Dumaldars' Sabha, Poona. At the Conference a Resolution was passed creating a constitution and the formation of a working committee. The Committee includes representatives from all the districts.

Most of the Presidents, Vice-Presidents and Secretaries of the different Inamdars' Associations are members of the working body.

The working committee is empowered to carry on the work on behalf of the Conference. The working committee decided at its meeting to present a case before the Joint Select Committee in London.

It is submitted that the extent of the interest of the class of landholders in the Presidency proper has to be taken into account. Nearly one-tenth of the total number of villages in the Presidency proper are held in Inam and the alienated revenue is nearly one-fourth of the total land revenue. Further, the importance of this class is specially noted in the Montague-Chelmsford Report, paragraphs 147 and 148. It may also be noted that the class of landholders represents almost all the castes of the Province including the Depressed Classes and the Mahomedans.

We beg to quote below two extracts from the Montague-Chelmsford Report, paragraphs 147 and 148 already referred to:—

“(1) The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent the ancient and well-born families and their estates are often the result of conquest or grants from some mediaeval monarchs. By position, influence and education they are fitted to take a leading part

in public affairs. Some of them are beginning to do so and our aim must be to call many more of them out into the political list, they are conservative like the ryot but like him they also will learn the need to move with changing times.”

(2) “No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural question which will come before the Provincial Legislature.”

2. The landed aristocracy of the Bombay Presidency is most important in the history of India. It has founded empires, led armies, fought battles and was chiefly responsible for the Civil and Military administration of this country. This constituency is free from any communal bias as only the special interest is recognised in forming it.

3. The preservation intact of this class is not only a necessity, but solemn engagements made with it by way of Sanads or specific orders by the past rulers, and the British Government ought to be guaranteed in future. It has to be noted with satisfaction that at page 61, paragraph 134 of the White Paper, reference has been made for the safeguarding of the property rights existing under Statutes and contracts. It is further submitted that there should be a specific clause in the future Government of India Act making a definite provision for the safeguarding of the guarantees given by the Secretary of State for India on behalf of the Crown by the issue of Sanads or orders.

4. There should be a Second Chamber in the Bombay Presidency as well. Such a Chamber will, in addition to assuring stability and exerting a steadying influence, avert any precipitous legislation. In such a Chamber alone can this class have representation adequate to its status and stake in the country. The second Chamber has been recommended by the Government of Bombay on reconsideration.

5. Agricultural income should not be liable for income-tax as it would be a double tax and would be violating solemn pledges given by express Sanads and orders and would be against the estab-

19<sup>o</sup> July, 1933.]

[Continued.]

lished usage and principle underlying taxation.

6. At present there is no representation of the land-holding class in the Council of State. We propose that a separate constituency of landholders be formed to return at least one member to the future Federal Council of State from every Province in India.

7. The representation of the landholders in the Federal Assembly as proposed in the White Paper, is inadequate. It should be increased in proportion to its increased strength.

8. In the White Paper proposals, only two seats have been allotted to the landholders in the Bombay Provincial Legislative Assembly. This representation ought to have been enlarged in proportion to the enlargement of the present Legislative Council. The Government of Bombay have repeatedly recommended three seats to be allotted to them, one each for the Northern, Southern and Central Division. We hold about one-tenth of the total number of villages in this Presidency as Inam and about one-fourth of the revenue of the Presidency proper is alienated. Though the number of our Inam villages is about 2,075 still the number of voters in our constituency is only about 700 in the three Divisions of the Presidency proper, as the qualification for a voter is to be the sole holder of an entire alienated village both for the Legislative Council and the Assembly. This reason for the smallness of our constituency is lost sight of by the people generally. The removal of this restriction and further extension of the franchise to joint registered holders of an alienated village, to holders of alienated land (apart from an alienated village) assessed at not less than Rs.500/- and to Khots holding lands assessed at not less than Rs.500/-, will considerably enlarge the constituency. This widening of the franchise will, while not impairing its character, increase the number of voters. The variety and vastness of the interests which we have must be taken into consideration while allotting seats to our class. Not only this, but the exigencies of the rules guiding the procedure in the Council must also be taken into consideration for the increase in the number of our seats.

The representations of the Bombay Landholders on the Provincial Assembly compares very unfavourably when we consider the ratio of the landholders'

seats to the total number of seats in it, as would be seen in Appendix 3, Part I, of the White Paper.

From this class from 1862 to 1892 one representative was nominated to the Provincial Council. By the Reforms of 1892 the Sardars of the Deccan were enfranchised and given the right to send one representative to the Provincial Council. In 1909 one representative from Gujarat Sardars was taken in addition to one of the Deccan Sardars. As the result of our deputations and representations, in the Reforms of 1919, the constituency was enlarged by the addition of Inamdars and Jahagirdars, but the number of representatives to be sent from the Presidency proper was kept the same, viz., 2, i.e., with all the expansion of the Council from time to time, the Deccan Sardars are in the same position as they were in 1862.

It is often argued that there is no necessity of special representation to the landholders in the Legislatures when they can well be elected through the general constituencies. In this connection, it must be remembered that in the general constituency election, unless the landholder, Sardar or Jahagirdar, champions the cause and goes under the ticket of some Party, such as Communal, Liberal, Nationalist, Congress, etc., there is no chance of his success. He is, moreover, bound by the mandate of his constituency and as such cannot put forward the special view point of the class to which he belongs. Class representation is altogether different from communal representation.

By their position as Inamdars, members of this class are familiar with the difficulties of administration. No class is better fitted to represent the rural areas than this class, as it is the only class with culture and education that comes directly in contact with the rural areas.

9. There should be a specific clause in the new Government of India Act, or in the Instrument of Instructions, regarding the enlistment in higher Public Services—both civil and military—of the landholders' class. This class would most faithfully and loyally play their part in those services, as they have got a real stake in the country and traditions behind them. Their loyalty, which has invariably stood the test, deserves to be regarded, by guaranteeing to them a fair percentage in the Public Services in all departments of the future Government of India and thus they should be

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[Continued.]

called upon to take their proper share in the administration of the country as already proposed by the Right Honour-

able Sir Samuel Hoare in his Despatch of December last to the Government of India.

#### MEMORANDUM 48 ON BEHALF OF THE DECCAN SARDARS AND DUMALDARS SABHA, POONA.

We beg to present this Statement on behalf of the Deccan Sardars and Dumaldars Sabha, Poona, in order to put forth the case of the Landholders of India in general and of the Bombay Province in particular.

This class of landholders is the most stable element of the population. The chances of the landholders securing return in the future through the general constituencies is correspondingly less, as the franchise to be introduced in the Federal and provincial legislatures is such that representation will be increasingly popular in character. The existing landholder-electors in different provinces consist, in the main, of men of position, who exercise an important influence in the countryside, who have the means and leisure to travel and acquire experience beyond their own locality. They are well-qualified to speak with authority on matters affecting agriculture and rural life which will inevitably bulk prominently in the business in the provincial legislatures. These are some of the facts which have been unmistakably admitted by all the Provincial Governments, the Provincial Simon Committees and the Government of India regarding the position and status of the landholding class in India.

In the White Paper proposals only two seats have been allotted to the landholders in the Bombay Provincial Legislative Assembly. This representation ought to have been enlarged at least in proportion to the enlargement of the present Legislative Council. At least three seats ought to have been allotted to them, one each for the Northern, Southern and Central Division Landholders, as was originally recommended by the Government of Bombay. We hold about one-tenth of the total number of villages in this presidency as Inam, and about one-fourth of the revenues of the Presidency proper is alienated. Though the number of our Inam villages is about 2,075, still the number of voters in our constituency is only about 700 in those three divisions, the qualification for a voter being the sole holder of an entire alienated village both for the Legislative

Council and the Assembly. But this fact is always lost sight of by the people generally. The vastness of the interests which we have got must be taken into consideration while distributing seats to our class.

From this class, from 1862 to 1892, one representative was nominated to the Provincial Council. By the reforms of 1892, the Sardars of the Deccan were enfranchised and given the right to send one representative to the Provincial Council. In 1909 one representative from Gujarat Sardars was taken in addition to the one on behalf of the Deccan Sardars. By the reforms of 1919, the constituency was enlarged by the addition of Inamdars and Jahagirdars, but the number of representatives to be sent by all of them was kept the same, viz., three, that is, with all the expansion of the Council from time to time the Deccan Sardars and Inamdars are in the same position as they were in 1862.

It is often argued that there is no necessity of special representation to the landholders in the legislatures when they can very well be elected through the general constituencies. In this connection it must be remembered that in the general constituency elections, unless the landholder-Sardar or Inamdar, champions the cause of and goes under the ticket of some party, such as communal, liberal, nationalist, Congress, etc., there is no chance of his success. Class representation is altogether different from communal representation.

The presence of this class in adequate numbers will serve as a healthy check on hasty and ill-considered legislation. These representatives having a very big stake in the country will always be persons of balanced views, and their voting will be guided by reason and sense of responsibility.

The landed aristocracy of the Bombay Presidency is most important in the history of India. It has founded empires, led armies, fought battles and was chiefly responsible for the civil and military administration of this country. This constituency is free from any communal bias. Only the special interest

19<sup>o</sup> July, 1933.]

[Continued.]

is recognised in forming this constituency. This constituency consists of all castes, creeds and communities.

Their special advantage is that by their position as Inamdars they are able to understand the difficulties of administration. No class is better fitted to represent the rural areas than this class, as it is the only class with culture and education that comes directly in contact with the rural areas.

We beg to quote below two extracts from the Montagu-Chelmsford Report, paragraphs 147 and 148:—

(1) "The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent the ancient and well-born families, and their estates are often the result of conquest or grants from some mediaeval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so; and our aim must be to call many more of them out into the political lists. They are conservative like the ryot, but like him they also will learn the need to move with changing times."

(2) "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural question which will come before the Provincial Legislature."

This class of landholders has always stood by the side of Government in keeping law and order in the country, in spite of the odium that they have incurred at the hands of the general public and in some cases even at the risk of their life.

Under the circumstances stated above, we strongly propose that representation to this class in both the legislatures should be increased in proportion to their interests.

At present there is no representation of the landholding class in the Council of State. We propose that a separate constituency of landholders be formed to return at least one member to the future Federal Council of State from every Province in India.

There is no provision in the White Paper for a Second Chamber in the Bombay Province. In view of the recent happenings, agitations and movements in this presidency during the last five years, a Second Chamber is, in our opinion, necessary, which would surely serve to

check the hasty and ill-considered decisions of the provincial legislative assemblies.

As the future legislatures are going to be very democratic in character, this class keenly feels the necessity of inserting in the future constitution Act a specific clause of guarantee for the unmolested and undisturbed possession and enjoyment of their Inams, Jahagirs, Vatsans, cash allowances, etc., which the British Government have recognised, confirmed and continued by issuing their Sanads, Executive Orders, etc. No Indian legislature should have any power to meddle with them or their rights and privileges, hitherto guaranteed to them by the Secretary of State.

We earnestly request you to kindly insert a specific clause in the new Government of India Act or in the instrument of instructions regarding the claim for Public Services of the Landholders' Class. This class would most faithfully and loyally play their part in those services, as they have got a real stake in the country and traditions behind them. Their loyalty, which has so far stood test, deserves to be rewarded by guaranteeing to them a fair percentage in the Public services in all departments in the future Government of India and thus they should be called upon to take their proper share in the administration of the country as already proposed by the Right Honourable Sir Samuel Hoare in his despatch of December last to the Government of India.

We may state here that no representative of the landholders of the Bombay Province was nominated as a delegate to any of the last three Round Table Conferences held in England. The land tenures of the Bombay Presidency are quite different from those of the other Provinces in India. The Zemindari system in Bengal, United Provinces, and Bihar and Orissa and the Malguzari system in the Central Provinces are quite different from the system of alienations in the Bombay Province.

We are, therefore, very much grateful to the Committee for kindly complying with our telegrams and inviting Sardar M. V. Kibe of Indore to give evidence before the Joint Parliamentary Select Committee in London on behalf of the Landholders of the Bombay Presidency.

A215. Do you wish to add anything to your Memorandum and statements before cross-examination begins? — (Sardar

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Kibe.) Yes, my Lord, I wish to make a statement. I think it is desirable that at the outset I should indicate the broad general principles on which these representations are based. The considerable class which comprises the Bombay Presidency land-holders has no parallel in other parts of India. It consists of Jahagirdars or, to use a local term, Saramdamdars, Taluqudars, Inamdars and Watandars. All these are commonly known as Dumaldars, that is, landowners in respect of whom Government dues are either strictly limited or non-existent. These proprietors of the soil lay claim to the great antiquity of their order as descended from the ancient Hindu kingdoms of Western India. Another class of Inamdars, known as Khots, predominates in the Southern Division and is also to be found in the Central Division of the Presidency. They are the descendants of persons who colonised and brought under cultivation uninhabited jungle. Successive rulers of the land confirmed the status of the old and created new families, conferring rights and leaving limited obligations on them. The British Government has done the same. In old days the Jahagirdar class performed military duties but in these peaceful times in consideration of the surrender by them to the State of some portion of their domains or some such consideration such service has ceased to be obligatory. The only obligation on this class now is to pay the Nazarana or duty on succession. The Taluqudars who are mainly found in Guzarat have sprung from ruling houses and, like the Jahagirdars, differ from the autonomous States only in having no civil or criminal jurisdiction in their estates. The Inamdars are a vast and varied class, being owners of one or more villages or even scattered lands of varying extent. Their full proprietorship is recognised by the Government and no revenue is levied on them except in the form of some mutually agreed sum. The Watandars are a large class of service tenure holders and are remunerated in cash or land or both. In respect to all these landholders, unlike those in other Provinces, there is no question of conflict of interest between them and their tenants. Unfortunately, the act of the Bombay Government in applying the Land Revenue Code to these estates led to serious infringement of old-established rights. Although the tenures of the landholders are governed by different codes such as the Talqudari Code or the Khoti Act, their special in-

terests are not always kept in view when changes are made in the Land Revenue Code. It would be even more unfortunate for the tenants than for the landowners if there were departure from the long accepted principle of the exemption from the agricultural income from direct taxation. The point to be chiefly emphasised is that definite assurances were given when the British Government conquered or annexed the territories now comprising the Presidency proper, mostly from the Peshwa. I quote a high authority, Mr. A. K. Nairne, whose "Handbook for Revenue Officers," first published in 1872, still has authoritative value. He says "The continuance of all Watans, Inam Lands, established pensions, and Annual Allowances was guaranteed by our Government to all those who should withdraw from the Service of Bajirao, while on his surrender all Jahagirdars who had adhered to his cause and all Brahmans and religious establishments supported by his family were likewise secured in their possessions." Further, all these holders of land were separately assured of their rights by the grant of Sanads from the British Government from about 1818 onwards. This historical fact is only too lightly to be forgotten and the nature of relations with Government to be obscured unless there is acceptance by Parliament of the appeal made in the Memoranda I submit for the inalienable rights of the landowners to be embodied in the forthcoming Statute. Writing on this subject, the great Sir John Malcolm, who was the Governor of Bombay (1827-30), laid it down that: "Where any circumstances call for the interference of the British Government or an engagement or guarantee is given no departure from that is permitted. It is indeed by the maintenance of the impression that the signature and seal of the British officer is, to whomsoever granted, the completest of all securities for his rights, privileges or possessions that our power over the multiplicity of States and Chiefships depends, and it is above all others a point upon which we can never with safety admit the slightest evasion, much less deviation." In view of such assurances, it cannot be questioned that the unimpaired preservation of the rights acknowledged or granted to the landholders by Sanads by His Majesty's Government are no less binding than the similar engagement made with the Indian States. While the landed aristocracy of the Bombay Presidency is in complete agreement with the declared policy of the

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British Government to bring the Indian people to self-government, it cannot but press that its just rights should be guaranteed in the Constitutional Act. All the suggestions or demands made in the Memoranda, I submit, turn on this vital issue. The writers cherish the belief that the justice of the claim will appeal to the Committee.

A216. Thank you, very much?—On a particular point about the representation, Mr. Deshpande wishes to submit a note.

A217. Is that a written note again on the subject of representation?—(Mr. Deshpande) It is a typewritten note.

A218. Would it meet your views equally well if it was handed in, instead of putting you to the trouble of reading it?—It is quite short.

A219. Very well?—(I am a member of the Inamdars Central Association, Satara, and of the Deccan Sardars and Dumaldars Sabha, Poona; I am a member of the Working Committee elected by the Conference; I was a member of the Bombay Legislative Council from 1927-1930.) The comparative table of the number of seats allotted to the landholders' special constituencies in the provinces clearly shows that the Bombay Presidency proper has been very badly treated so far as the number allotted to them in the special constituency is concerned. The reason for this appears to be that the Statutory Commission expressed the view that the owners of the larger estates who are in the electorate of the special landlords' constituencies are at present returned to the Legislatures through the general constituencies in such numbers that "the special protection now furnished can safely be withdrawn." Whatever may be true as regards other Provinces, I submit, with due deference to the Commission, that so far as the Bombay Presidency proper is concerned, the view is not correct. The number of seats occupied by persons who are in the electorate of the Special Landlords' Constituency has seldom gone beyond five or six at any time and, looking to the vast interest they have in the presidency, this number, even in the present Council, cannot be considered large. This is due to the peculiarity of the Landholders' Constituency, which in addition to title holders gives the right to vote to a sole alienee of an entire village. Alienation of the Royal share of Revenue—no matter whether it is coupled with the proprie-

tary right in the soil or otherwise—is the principal feature of the constituency and hence it differs practically from all other similar special constituencies in other Provinces. The Landholders in this Presidency proper, therefore, never got their due share and now their position has gone from bad to worse inasmuch as they are given the same number of seats in a house which is to contain double the present number. The difference in the demand in the number of seats in the two memoranda is to be attributed to this, because one wants its equitable share while the other is content with at least the minimum number of seats. Further, the constituents of the Conference have thought it advisable to increase the number of their votes by extending the franchise so as to include persons who hold alienated lands assessed at not less than Rs. 500 and that the co-sharers of an entire village should have a right to select one from amongst them to vote in the constituency. Both these are quite consistent with the principal features of the constituency. This will substantially increase the number of voters, and the seats claimed by the Central Inamdars' Association would appear quite reasonable. A glance at the proposed representation to this Special Constituency in the Presidency as a whole will show the necessity of the increase. Bombay Presidency consists of four principal divisions. They are Sind, N.D. (Gujerath), C.D. (Maharashtra), S.D. (Karnatsk). Two seats are allotted to Sind Division which is admittedly backward than the other divisions in many respects. Next comes N.D., which includes 269 entire alienated villages and is given one seat. And, lastly, come the C.D. and S.D., each of which contains 1,044 and 713 entire alienated villages respectively, but both together are given one seat. It is not known why such an iniquitous division is made in the allotment. The Government of Bombay appear to have noticed the injustice done to C.D. and S.D. and in their Memorandum to the Statutory Commission in 1928, have recommended that three seats should be allotted to the Presidency proper, i.e., one for each Division. This new recommendation also appears to have gone unheeded and the new proposals only reiterate what is still going on. The Landholders' Constituency has, therefore, approached the Joint Committee to place the facts before them with a hope that justice will be done in the allotment of



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seats and in the increase of seats, as put forward in the Memorandum. There is equally a necessity of giving increased representation at the Centre. Second Chamber. The Landholders of the Presidency are strongly in favour of a Second Chamber in the Province. The Government of Bombay also have recommended the same and, therefore, there should be no difficulty in giving a Second Chamber to this Province.

A220. There is just one point in your Memorandum, which I think it is only fair to you to comment on in one word to begin with. In paragraph 18 of the Memorandum from the Central Association, you refer to Proposal 134 in the White Paper, and you assume that that proposal in the White Paper is intended to give some security to the landholders in respect of their Sanads or privileges. I think I ought to say that, as I understand it, Proposal 134 of the White Paper is not intended to have any such effect; it is intended to be confined only to statutory or contractual rights under contracts with the Secretary of State, and would hardly extend to anything, for instance, like the permanent settlement in Bengal or analogous privileges elsewhere?—(Sardar Kibe.) I should like to submit some observations on this remark.

A221. Certainly; perhaps we can defer that till we have examined you?—Yes.

*Sir Reginald Craddock*

A222. You represent landholders of great antiquity, you were saying?—Yes.

A223. Some of those grants that were extended to you were found by the British Government in existence and extended to you?—Yes.

A224. Were they all in perpetuity or for a certain life or lives?—Those which are existing at present are for perpetuity; those that were given for life have already expired.

A225. Some of them went on for two or three generations?—Yes. They are all given in perpetuity.

A226. Those that are left?—Yes.

A227. And does Mr. Deshpande belong to the same class of landholder?—(Mr. Deshpande.) Yes.

A228. Or have you got in some Provinces, both in Berar and the Central Provinces, certain Deshpande allowances?—Yes.

A229. Besides the life?—Yes, we have, and there are the Watans and Inam Lands. Now they are all in perpetuity, nothing for life.

A230. Then as landlords of your lands, are your tenants protected at all?—Certain lands stand on quite a different footing from those of the Inamdars. The Watandars have a proprietary right in the soil as well as a royal share in the revenue.

A231. That is to say, that no tenants of your land acquire any rights?—No tenants acquire any rights.

A232. In the case of Inamdars, who have got whole villages?—In the case of villages, the case is somewhat different because in the records the names of such tenants appear in the account books. They are the tenants of the soil and the Inamdar has to recover their dues as fixed by the settlement by Government, from time to time, in the case of villages where survey settlement is extended. There are some other villages to which the survey settlement has not been extended, and there the right is up to three times the assessment thereof.

A233. That is to say, you charge up to three times the assessment?—Yes, but there are very few villages of this kind; but in the Central Division almost all the villages have been surveyed.

A234. That is to say, they are protected tenants?—They are protected tenants.

A235. How can their rent be raised?—In the Southern Division, many of the villages have not been surveyed and there the Inamdars come on their right to increase up to three times the assessment.

A236. That is to say, if you charge a tenant more than three times the assessment on your land, the tenant can secure redress, can he?—No; the position is quite the reverse. The Inamdar cannot charge three times of his own; he has to go to the Revenue Court or Civil Court before he can demand anything more.

A237. But they are protected adequately?—They are protected, yes.

A238. The point I wanted to bring out was: You are asking protection to yourselves for your grants in perpetuity, that the Land Revenue demand should not be increased on yourselves?—That is so.

A239. I just wanted to find out how far your tenants had some protection from the landlord?—There is that protection according to law now.

A240. You do not know the term Mokhasa?—I know it, but it is seldom applied in the Bombay Presidency.

A241. That, of course, is the usual Maratha term?—Yes, I know the term,



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but it has no legal meaning, in so far as the Bombay Presidency is concerned.

A242. There is a distinction between the Mokhasa and the Mokashi?—Yes. The Mokashi is the head of the village, but that is not legally acknowledged.

A243. Then what you are afraid of is, supposing that you do not get enough representation on the Council, the additional amendment that you ask for, that the future Government will cancel your grants, or what are you afraid of?—They may if they choose to do so.

A244. The whole practice for all these years has been that those Revenue free grants are in perpetuity, and no Government has ever, to my knowledge, forfeited any of those grants, ever since British Rule began?—That is so.

A245. And before that, if there was a Raj, and an Imandar displeased him exceedingly, he might possibly forfeit his grant?—Yes.

A246. But the British Government has not done so?—No.

A247. Are there any other conditions in which you hold your Sanads? Have you the condition of loyalty to the British Parliament?—Yes, there is that.

A248. And you have never made any attempt to cancel it on those grounds, I suppose?—No. We do not want that that condition should be dispensed with; we only want that the condition should be there, as well as the other part of the contract, that it will be continued permanently, should also be there.

Sir Hari Singh Gour.

A249. I understand your contention to be that you want larger representation in the local Council and the Federal Assembly with a view to safeguard your special interests?—(Sardar Kibe.) Yes.

A250. Now the interests that you have acquired are either justiceable or they are not?—Yes.

Sir Hari Singh Gour.] If they are justiceable, you have no grievance at all, because you have the right of recourse to the Civil Courts?

Sir Reginald Craddock.

A251. I do not know whether Sir Hari Singh Gour is aware of the point that Revenue-free grants (at all events, they are in the Central Provinces, and probably also in Bombay) are withdrawn from the jurisdiction of the Civil Courts?—Some of these grants are regarded as political grants.

Sir Hari Singh Gour.

A252. So far as the protection is justiceable, you have no grievance?—That is

a question to be argued, we have some doubt about it.

A253. But you must have taken legal advice?—That question has never come before the Courts.

A254. Then it is a doubtful question, at any rate. You have no certain grievance. Subject to what the legal opinion might be, you have no definite grievance?—Exactly.

A255. There remain the question of matters which are non-justiceable and which are entirely within the discretion of the Revenue officers. Is that not so?—Yes, with the Government.

A256. With the Executive Government?—Yes.

A257. Now in what way would you be able to influence the decision of the Executive Government by having one extra seat in the local Council?—We want representation in the Council. We have pointed out three reasons for having extra representation in the Council—more than one; that is in paragraph 8 of the Memorandum.

A258. But I am analysing those reasons, and asking you to convince me as to what measure of protection you are likely to get by having an additional seat in the Bombay Council. You have got one seat in the Federal Assembly?—Yes.

A259. You want another seat?—Yes—two at least.

Lord Eustace Percy.

A260. The maximum demand is six?—No, twelve in the Provincial Council.

Sir Hari Singh Gour.

A261. You want four more seats in the Provincial Council?—Yes.

A262. And in the Federal Assembly?—In the Federal Assembly we have one. We want one more, because the number of members has increased.

A263. Now I was dealing with the non-justiceable claims, and I want to know in what way you will be able to protect your non-justiceable claims by having four seats in the Local Council and one in the Central Legislature?—The fact is, as I have stated in my memorandum there are different classes of these Inamdars, and their viewpoints are also different.

A264. I have studied all that question, as you know, I am connected with the same tenure as you are, but my point of view is that you want to have four extra seats in the Local Council and one extra seat in the Federal Council. I want to know in what way you are likely to

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influence the decision of the Local Council and of the Federal Assembly with regard to the protection of your rights?—Apart from our main request for a guarantee, there are several things which arise as regards the disputes between tenants and Inamdars, and so on, and there have been instances in the Bombay Legislative Council in which new taxes have been imposed on these people. Mr. Deshpande will quote one instance of that, and that is given also in the Report of the Bombay Government to the Statutory Commission.

A265. What I want to know is how will six seats out of 175 improve your position?—We simply wish that all our points of view shall be placed before the Council.

A266. Two members can do as much as six?—Yes.

A267. That depends upon the personality of the members?—The tenures are different

A268. But you are only represented by your mouthpiece, two are as good as six, provided they represent the special grievance you have in the matter?—We say that one or two members are probably not able to explain all the points of view.

A269. That is all your grievance?—Yes.

A270. Your grievance is that two members will not be able to explain your point of view?—Yes.

A271. But when you have these different tenures, it is only one Executive Officer who decides the question?—Sometimes the collectors decide the question.

A272. You have got two here to represent you?—Yes. An increased number of members have been given to other constituencies.

A273. Your whole point of view is that, because there has been a general increase, your proportion should also be increased?—I would not quite agree to that, but we give reasons for having asked for the increase.

A274. I am trying to examine those very reasons. As regards the Second Chamber, the general view in Bombay is against the establishment of a Second Chamber?—No, the Bombay Government has favoured it.

A275. Do you remember what the Provincial Committee before the Simon Commission said? Do you remember that there was the Provincial Committee which co-operated with the Simon Commission?—Yes, but I think even before

that Committee there were some Members who asked—

A276. I am not concerned with individual opinions. I am only concerned with the collective opinion of the Bombay Provincial Committee?—I submit that some Members of the Committee, perhaps the majority, were of that opinion, but there were others who held a different view.

A277. The Committee, as a whole, was against the establishment of a Second Chamber. That is right, is it not?—The Bombay Government has urged that there should be two Chambers.

A278. And the Simon Commission did not recommend the establishment of a Second Chamber?—No.

A279. What fresh facts have since been elicited which justify you in asking the Joint Committee to take a different view?—For that I must refer to the different views which have been expressed by people in different Provinces, also in favour of a Second Chamber.

A280. Those are matters of opinion are they not?—Of course.

A281. And there can be two opinions on the same subject?—Yes, but that will not go against me, I suppose.

A282. Now as regards the claim that the Land Revenue demand should not be increased, is that your claim?—We pay no Land Revenue to the Government.

A283. The Watandars, some of the tenure holders, pay Land Revenue?—It is not Land Revenue, as such, but some agreed sum with the Government.

A284. Let us not call it the Land Revenue, let us call it the due. You say that your land dues should not be increased?—I would not call them land dues, but I would submit that for certain things the Government agree with us that they will take this much and will exempt us from any further service or anything of the sort.

Sir Reginald Craddock.

A285. You have a quit rent?—Yes, only a very small amount out of the Revenue. (Mr. Deshpande.) There are certain cases in which the Inamdars have not to pay anything to the Government and they are quite free.

Sir Hari Singh Gour.

A286. Then whatever you may call it, you may call it a demand or a due or a quit rent—by whatever name you call it, what you say is that whatever you have been paying, you must continue to pay. Now what do you want to say about that

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right?—(*Sardar Kibe.*) Perhaps, I should explain one more thing; that is that when the British Government settled with these Inamdars in the Bombay Presidency, for those whose rights were examined by the Shaw Commission, their rights were admitted, but for others, they said, "If you do not want that your right should be examined, then pay us so much every year and we will give you proprietary rights on that account," and that has been done, and no further demand will be made.

A287. That is a historical fact, a very interesting fact, but it does not come near the point I am making. I want you, please, to tell me, if you can, this. You say that a quit rent or a demand that has been up to now payable by you should not be increased, is it not so?—Yes.

A288. How do you want that to be done?—We want to be safeguarded in respect of our general right.

A289. In what way? That something should be inserted in the Constitutional Act, that so many Inamdars and so many Sardars of the Bombay Presidency shall hold their tenure for all time and will not be liable to pay any increased rent?—Yes.

A290. But then altogether you are very much better off on account of railways, post-offices and telegraphs, and the general improvement in the conditions and social life of the people?—Some local cesses have been levied.

A291. Who has to pay for all that?—I should submit that some local cesses have been levied too, but the Inamdars have not objected. For instance, the local fund, and so on, and we pay for these improvements.

A292. Then you are prepared to pay, in spite of your contract, extra sums for the benefits received?—That will be a political question.

A293. But you have said so just now?—Yes, we have hitherto paid.

A294. Then what is your grievance? The Government of the future will only make you pay what is justly due from you?—(*Mr. Deshpande.*) We are not willing to pay anything more, and why we want a safeguard is for this reason, that there may be some persons who would like to have this Revenue. This has not been given free; they have been given for some consideration already, and for services rendered, so when there is a contract to the effect that this shall be

continued perpetually, they may not be prevailed upon to increase their demand on these lands.

A295. But in one sentence, do your rights create a legal obligation or a moral obligation?—(*Sardar Kibe.*) Both.

A296. If it is a legal obligation, it is justiceable; if it is a moral obligation, it will be considered by the Executive Government?—But I say it is legal and moral.

A297. If it is legal, you are protected?—Protected because we have to go to law.

Lord *Eustace Percy.*] May I just say, before the examination continues, that we have had, of course, the other landholders before us already, before the full Committee, and you did not attend then, because you could not arrive, I think, soon enough. As we have been over all the general questions of exemption, and so on, before, I think, perhaps, the Committee and the Delegates will feel that we could confine ourselves this morning to the special features of the Bombay case.

Dr. *Shafa' at Ahmad Khan.*] To the Memorandum itself?

Lord *Eustace Percy.*] Yes.

Dr. *Shafa' at Ahmad Khan.*

A298. Sardar Kibe, you said just now, I think, in the statement you read out that you would be prepared and others would be prepared to accept the reform if your rights were safeguarded?—(*Sardar Kibe.*) Yes.

A299. And you thought, until the Lord Chairman pointed out otherwise, that paragraph 134 of the White Paper adequately safeguarded your right?—If we had that fully, then we would not have made the Prayer to insert a section in the Act.

A300. Now, after knowing that this paragraph does not completely or even partially safeguard your rights, would you suggest to the Committee any alternative proposal whereby your rights could be safeguarded?—Our Prayer is that there should be explicit mention in the Act that the Sanads granted to the Bombay landholders will be safeguarded. The rights given by the Sanads will not come before the Legislatures; that is what we say.

A301. Do you really think that the Constitution could go into the details of the various kinds of tenures held in various Provinces? Is it possible for a Constitution Act to do that? I am not talking of an Act passed by the local

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Legislature or the Central Legislature, but I am speaking of the fundamental instrument of Government. Do you think it is possible for the framers of the Constitution to go into all the minutiae of the Land Revenue administration?—Our submission is that our Sanads are in the nature of contracts, and, therefore, they should be safeguarded. (Mr. Deshpande.) If the present Section 134, as it is worded, does not admit of the interpretation which some of us think can be put upon it, then the addition of the word "Sanad" will, I think, probably, remedy the whole thing.

A302. Are you sure that the "Sanad" could be added in the context, which may refer to an entirely different subject altogether?—If "contract" does not include Sanads, then Sanads will have to be specifically mentioned, just as treaties with chiefs and rulers were mentioned. Just as treaties are respected, similarly, Sanads should be respected.

A303. But do you think that if this provision is inserted, you would not be prepared to pay your equitable share in the demands which may be made by the local government in future for the social advancement of the country?—There are so many other demands which we are paying and which we will pay, but not upon the particular land upon which we are exempt. We have to pay for many other things to the Government; there are many taxes we have to pay, and we do pay, but we only want that this very income should not be additionally taxed.

A304. I can only tell you this, that in my own Province the landholders have been obliged to remit several crores of their rent in one year alone, and, therefore, if you insist upon this, I am afraid there will be very little possibility of any law being passed for the improvement of the condition of the tenants. You do not exclude the possibility of legislation being introduced which, while safeguarding your position and giving you adequate compensation if necessary, will also improve the position of your tenants?—The position of the tenants is there according to the Land Revenue Code. Their position has been protected.

A305. I am not talking of the present time; I am speaking of the future. Supposing the Legislative Council of Bombay or the Legislative Assembly brings in a Tenancy Bill with a view to giving them what is called a "statutory" right, a word which is very familiar to us in the United Provinces, life tenures, and convert tenants at will into tenants for life,

would you be prepared to concede this right to the tenants?—I say that does exist at present.

Sir Reginald Craddock ] It would in the Bombay Presidency.

Dr. Shafa'at Ahmad Khan.

A306. So you are prepared for tenancy legislation being introduced if necessary, if your rights are safeguarded?—Irrespective of this thing, the tenancy rights will be there.

A307. Now in paragraph 9 of your memorandum, you say: "Instances can be quoted where the major party in the Council have tried to rush through anti-landholder legislation, and where the Government at times came to the assistance of the landholders." Have there been many instances of this kind?—(Sardar Kibe.) Yes, I have a note here which will give all the instances.

A308. During the last 11 years?—I have got a note here which gives those instances from 1925, and there are several instances.

A309. I take it that you desire increased representation in the Bombay Legislative Assembly, not because that by itself will completely safeguard your position, but because it will be one of the means of voicing your genuine grievances in the Assembly?—Exactly.

A310. That is not the only way of safeguarding your interests?—No.

A311. But it is one of the means of keeping prominently in view the peculiar and special position you hold in the province?—Exactly.

A312. You say in paragraph 14 of the same memorandum, that: "The Indian Provinces which will constitute the units of a big Federation and which have a population which is divided by acute feelings of caste, communities and religions, the need for a Second Chamber is the greatest." Do you not think that in making a demand for a Second Chamber you should take into account the Resolution or the opinion of the Provincial Legislative Council on this subject, instead of taking the opinion of individuals?—That point was not put before the Bombay Legislative Council, either by the Governor or by any Member of it, but this question was raised in the Legislative Assembly at Delhi.

A313. For Bombay?—Yes, for Bombay, in April, 1933, but as the whole debate, I think, proved abortive, no Resolution was passed upon that.

A314. So there is no organised opinion in the Legislature which is in favour of

19<sup>th</sup> July, 1933.] Sardar M. V. KIBE and Mr. L. M. DESHPANDE. [Continued.]

a Second Chamber in the Province?—The question of Bombay was never before the Legislature. (Mr. Deshpande.) All the same, the Government of Bombay have recommended that there should be a Second Chamber.

A315. That we know, I am only talking of the Provincial Legislative Council?—(Sardar Kibe.) Yes.

Sir P. Pattani.

A316. Only one question. I take it your main contention is that your Sanad rights should remain undisturbed under the new Constitution?—Yes.

A317. That is, that your Sanads should receive the same regard for consideration at the hands of the reformed Councils as they have received from the present Government?—Exactly.

A318. On the ground that they must receive the same respect as the Sanads in the jurisdiction of the Princes, because promises given by the present Government are promises equally binding with regard to the State Sanads and with regard to the Inamdars' Sanads?—That is exactly what we mean.

Mr. Davidson.

A319. I think the Witness said that they were claiming six seats in the Provincial Legislature, but I notice that in paragraph 10 of the Central Association's statement, they say: "we modestly claim 12 seats in the Provincial Legislature and two in the Lower House of the Federal Legislature." Which of the figures is the claim? Is it six seats?—The Central Association of Sardars has been always claiming that, but this Conference of all the Associations and Members considered the matter and said that at least we should have six. The Conference was held at Poona early in June, 1933.

Lord Eustace Percy.

A320. I think that concludes the questions that the Committee wish to put to you. The statements you have laid before us are very clear, and I do not

think we need trouble you with any further questions. Is there anything further, you would like to say before the conclusion of your evidence?—Yes, your Lordship. Your Lordship just now mentioned that Section 134 of the White Paper does not cover this. I should like to put some consideration before you about it, although my point has been made quite clear, in answer to the question which Sir P. Pattani put to me, but I know that the genesis of this Section 134 in the White Paper is, perhaps, due to a reply which the Law Member gave in the Legislative Assembly on 10th March, in which he said—I am reading from a newspaper report—"Sir B. L. Mitter said that none of them could anticipate the forthcoming constitution but without betraying anything he could say that the Government of India had recommended that personal and property rights should be safeguarded under the new constitution and under the category of property rights there was place for the landlord and agriculturist." So, perhaps, on the recommendation of the Government of India, as mentioned here, this has been put in, but as we have some doubts whether this will cover our case or not, we are making our representations. Even before the Statutory Commission, we submitted this: "The treaties or engagements with the Indian Princes, the Sanads of lands and villages given to Sardars, Inamdars and Vatan-dars must remain untouched." Then before the Second Round Table Conference also we circulated a Memorandum making the same request, and the Sardars Association made the same request. We are coming before your Lordship and the Committee with the same request; so our submission is that, if it is not covered, as there is some doubt about it, there should be a specific mention in the Act that our Sanads will be respected. That is our submission.

Lord Eustace Percy.] The Committee entirely appreciate that point, I think. Thank you very much.

(The Witnesses are directed to withdraw.)

Khan Bahadur M. A. KHUHRO, M.L.C., is called in and examined as follows:—

Lord Eustace Percy.

A321. Mr. Khan Bahadur Khuhro, you are Vice-President of the Sind Separation Conference, I think?—Yes.

A322. General Secretary of the Sind Muhammadan Association?—Yes.

A323. A Member of the Bombay Legislative Council since 1923?—Yes.

A324. And a Fellow of the University of Bombay?—Yes.

A325. We have your Memorandum before us?—Yes; it is as follows:—

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[Continued.]

### MEMORANDUM 53. SIND'S SEPARATION FROM BOMBAY BY KHAN BAHADUR M. A. KHUHQRO, M.L.C.

#### *A Short History of Sind's Connection with Bombay.*

The beginning of British Government's connection with Sind dates back to 1830 when Sir Alexander Burnes was permitted by the then rulers of Sind to go to Lahore, by boat, through the Indus, to meet Ranjitsingh. In 1838 again the British Army was allowed free passage through Sind on its expedition to Afghanistan, and on its return Sir Charles Napier took the opportunity to annex Sind in 1843.

A study of subsequent events and more particularly of the causes that led to Sind's amalgamation with Bombay will convince any impartial observer of the fact that it was not based on any sound consideration. It was merely an outcome of the quarrel between Lord Ellenborough, the then Governor-General, and the Government of Bombay, that Sind came to be linked up with Bombay. Thus it will be found that this amalgamation was merely an accident.

It is significant to note that in the first few years of its annexation, Sind was placed under a separate Governor. It was only after its first Governor, Sir Charles Napier, had resigned his office, that as a result of the machinations of the Bombay Government, Sind for the first time lost its separate entity and became a part and parcel of the Bombay Presidency.

A reference to the early history of Sind will also show that Sind has always been a separate territorial unit. Even when it owed allegiance to a foreign central authority, it enjoyed full provincial autonomy with its seat of government in the province. The recent excavations at Mohan-jo-daro also show that as early as five thousand years before Christ, Sind had its own civilisation which she could have evolved only as a separate unit.

#### *An Unnatural Connection and its Evil Consequences.*

Sind's connection with Bombay is as unnatural as it is unbearable for the people whom it has placed in a distinctly inferior position.

Separated geographically from the Presidency by a wedge of non-British territory—namely the States of Cutch and Rajputana, Sind with a population of nearly 4 millions and an area of 53,000 square miles, lies at a distance of about 800 miles from the seat of Government.

Linguistically, ethnologically, culturally and even climatically Sind has nothing in common with the Presidency Proper. Its affiliation has therefore brought about results which can only be described as catastrophic.

Our ninety years' experience of Sind's connection with Bombay has shown us that the latter has neglected our economic and social development and has checked the growth of Karachi Port which possesses vast potentialities for development, being the nearest port to the West. Our roads and communications are in an extremely undeveloped condition. Our nation-building departments are starving. Education is at its lowest ebb. The present system of Government is highly despotic and the Commissioner's Delegation Act, which raises the Commissioner-in-Sind to the position of a Provincial satrap, has tended to create an atmosphere of autocracy which has always impeded the growth of healthy public life. The present Bombay Legislative Council, which forms a curious combination of heterogeneous elements, is unable to understand our peculiar problems. The Heads of departments who are presiding over our destinies from a distance of over 800 miles are not able to discharge their responsibilities to the people of Sind in a satisfactory manner. Bribery, corruption and official oppression have reached the limit.

Lack of space does not permit the enumeration here of specific instances in support of each of the above statements. The literature which has hitherto appeared on the subject of the Separation of Sind, adequately proves that the grievances of the people of Sind are absolutely genuine. If I am examined orally, I will surely be in a position to convince the Committee of the truth of my statement by adducing concrete examples of the hardships from which we have suffered.

The only solution of these evils lies in the constitution of Sind as a separate autonomous province. That is the only legitimate way of restoring Sind to its rightful place in the future federation of India.

#### *History of the Question of Separation.*

Until 1913 Sind put up patiently with the disabilities entailed by her subordinate position. The public feelings for separation were for the first time voiced by a distinguished Hindu leader, viz.:



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[Continued.]

Mr. Harchandrai Vishundas, C.I.E., who in the course of his address as Chairman of the Reception Committee of the Indian National Congress at Karachi, put forth this demand in most forceful terms.

In 1918, the 5th Sind Provincial Conference appointed a Sub-Committee of five Hindu and one Parsi gentlemen to consider this question. The Sub-Committee reported that:—

“All the objections that are raised against the autonomy of Sind are, in the opinion of the Sub-Committee, unsatisfactory and unconvincing and the Committee has no hesitation in recommending that Sind should be constituted an autonomous province with its own legislature and executive.” On the strength of this recommendation the matter was pressed further by the deputation of the Sind Provincial Conference which waited on the late Right Hon’ble Mr. Montague and Lord Chelmsford at the time when the Montague-Chelmsford Reforms were on the anvil.

In 1927 the Indian National Congress resolved that a readjustment of provinces on linguistic basis be begun with Sind. This resolution was proposed by no less a person than Pandit Madan Mohan Malaviya, the foremost champion of the Hindu cause in India. Subsequently the All India Moslem League, too, gave its enthusiastic support to this demand. Soon after, the All India Moslem Conference adopted it as one of the proposals formulated by it at its first meeting under the Presidentship of His Highness Sir Agha Khan.

Later the All Parties Conference, Lucknow, accepted the principle of separation and so also the Nehru Committee.

On 17th of July, 1928, the Hindus, Moslems and other minorities of Sind entered into a communal pact agreeing to the Separation of Sind.

In 1928 the Royal Statutory Commission commenced its inquiry. The Sind Muhamadan Association in their representation before the Commission pressed very strongly for separation. The Central Committee which worked in collaboration with the Simon Commission also recommended in very definite terms that Sind should be separated. The Statutory Commission itself expressed great sympathy with the claim of Sind for separation in principle.

In 1931 the First Indian Round Table Conference accepted the principle of the Separation of Sind and after the finan-

cial side of the question was examined by the Miles Irving Committee and the Brayne Conference the Secretary of State for India announced on 24th December, 1932, the definite decision of His Majesty’s Government to separate Sind.

#### *Sind’s Right to Separation.*

We have claimed separation of Sind on the following grounds.—

1. That it will give us the right of self determination which is the birth-right of every people.

2. That it will relieve the Province of numerous hardships under which it has been labouring for the last 85 years.

3. That it will facilitate the Agricultural development of the Province.

4. That it will help in rooting out the evils which have been the outcome of Sind being governed from a distance of 800 miles.

5. That the port of Karachi will be considerably developed, and that by opening a fast train service with Cawnpore and Delhi the whole business of the Northern and Central India will be captured.

6. That Sind will be able to regain its lost individuality. In this connection a mention may be made of the importance of Sind as India’s frontier by sea, land and air.

7. That the Sindhi language which presents all the features of a classical language will receive a fresh impetus rather than die a slow death which at the moment looks imminent.

8. That the Sukkur Barrage lands cannot develop easily and rapidly unless they are placed under the control of a Government which is within easy reach.

9. Barring Burma the Bombay Administration being admittedly the costliest in the whole of India, Sind after its separation will get an opportunity of effecting reasonable retrenchment consistent with efficiency. This will enable Sind to transfer the amount thus saved to nation-building departments which at present are languishing.

#### *Sind’s Capacity to run Separate Autonomous Government.*

Having gained sufficient experience in the art of self-government, Sind is quite capable of running a separate autonomous Government. It has had its share in the reforms as a part of Bombay since



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[Continued.]

their very introduction. It has produced and possesses men with excellent brains who can rise equal to any responsibility as efficiently as the people of any other part of India. The province which has produced among others men like His Highness Sir Agha Khan, the late Mr. G. M. Bhurgri, Sir Ghulam Hussain Hidayatullah and Mr. M. A. Jinnah who have occupied eminent ranks in the political field of India, cannot be said to be wanting in talent; nor can it be urged that its people will not be able to shoulder the responsibilities which may shortly devolve upon them. As compared with the North-west Frontier Province, Sind occupies a much superior position; and it will be anomalous to deny to it at this stage of India's political advancement what is contemplated to be granted to the former. For all practical purposes Sind is already a self-contained province. Its language is distinct; its system of agriculture and irrigation is different; its problems are peculiar to it; its cadre of subordinate service is separate, and its life and culture have nothing in common with the rest of the Presidency. Why not then to grant it a separate legislature and a separate Governor?

Sindhi members of the Bombay Council have been known for their solid and unostentatious work and have proved themselves to be quite successful legislators. Their record of service in the Council has indeed been most brilliant. It is a Sindhi legislator who has the unique distinction of being a very important member of the Bombay Governor's Cabinet ever since the introduction of the Mountford Reforms. And it was another prominent Sindhi member who was appointed Chairman of the Bombay Provincial Committee which collaborated with the Royal Statutory Commission.

*Sind's Determination to be fully  
Autonomous.*

Sind, as said before, has already had sufficient experience in the art of self-government; and it will therefore be only fair that it should have the same measure of autonomy as other provinces. It is but proper that it should definitely be made known to the British Government that Sind will not be satisfied with anything short of what other Provinces receive. It will be a sheer injustice to deny the fulfilment of this legitimate aspiration of four millions of God's people, because a certain section of the

population of Sind has been carrying on an unpatriotic agitation against the separation.

*Sind is a Peaceful and a Law-Abiding  
Country.*

If any Province could claim to be the most peaceful and law-abiding in the whole of India, it is the province of Sind; and I am perfectly sure that no one will challenge the truth of this statement. I would request the Joint Parliamentary Committee to examine on this point those of the British officers who have served in Sind. Provided that the consideration of Bombay's suffering a loss of prestige in consequence of Sind's separation does not influence their judgment, I am sure they will bear me out that I hail from a country which has maintained high traditions of unflinching loyalty to the Crown at all times and under all circumstances, never for a moment falling a prey to any anti-British influence. The toll which the Congress movement has taken from Sind is infinitesimally small and that too from the Hindu community which is now raising its voice against separation curiously enough on the ground that Sind is not a peaceful province.

During the Great War the people of my country rendered yeomen service to the Crown under most trying conditions; and if as a reward for those services India claims self-government, why not Sind? The pledges which British Government then gave to India are equally applicable to Sind.

Now to advert to the second part of this question. A group of Sind Hindus which is opposed to separation on communal ground and which entertains the high hopes of governing the Muslims of Sind through the medium of a Hindu Cabinet of Bombay has been trying to make out that if Sind is separated, the safety of Hindu life and property would be imperilled. But the very fact that the Hindus have amassed fabulous wealth, have monopolized all the trade, and have purchased, according to their own estimate, 40 per cent. of the cultivable land in Sind, and have rapidly increased in population, gives a lie direct to this allegation. Those who know Sind conditions will admit that the remotest villages of Sind are certainly safer for Hindus than are the streets of Sholapur, Ahmedabad and even Bombay, for Moslems. Since times immemorial Hindu life in Sind villages has been held by Muslims as dear as their own. On

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[Continued.]

occasions Moslems have even lost their lives in protecting Hindus; and it is certainly the height of ingratitude on their part to suggest that unless Sind continues to remain with Bombay, their life and property will be unsafe.

Undoubtedly, when the Maha-Sabha agitation had thrown the country in the throes of an India-wide communal trouble, Sind too did experience its repercussions, though to a negligible extent. Sind experienced two minor riots which, however, took place several years ago and which do not reflect credit on the Hindus themselves. If the record of the judicial proceedings in connection with these riots is gone through it would be found that the trouble originated with the Hindus; but they did not scruple to institute false prosecutions against innocent Muslims which cost their community several lakhs of rupees for securing justice.

In a country like Sind where moral and cultural progress has been greatly retarded on account of the step-motherly treatment it has received from Bombay Presidency, it is only natural that it should not be altogether free from crime. However, Sind is not more criminal than any other province in India and decidedly it is much less criminal than the so-called civilised America. The only difference between Sind and other countries is that here unfortunately we have got in the person of anti-separationists a batch of regular Drain-Inspectors whose main function in life is to have an eye for dirt.

I might quote here the most pertinent remarks made by the Chairman of the Reception Committee of Sind Separation Conference in his address which read as follows:—

“Granting Sind is not a safe Province for Hindus, what is the remedy? A Government at Bombay or Poona or at Mahabeshwar can do little from such a distance to help Hindus at once, but a Government at Karachi responsible to a legislature containing about one-third of the Hindus and at a stone's throw from any Sindhi's door can do a lot. Every Hindu knows this to be most correct. Yet when some of them cry against separation their meaning can only be that they want one man's administration under which they presumably assume that they have thrived and will continue to thrive more than their backward neighbours.

If that be so I would make a present of the wise words of the Great American Negro sage Booker T. Washington to such of our Hindu friends whose eyes cannot travel beyond the horizon, ‘one man cannot hold another man down in the ditch without remaining in the ditch with him.’ If we are to remain in ditch Hindus also cannot get out of it, though they may have at best sorry and fanciful consolation of enjoying a warm corner in it.”

#### *The Secret of Hindu Opposition.*

The question may pertinently be asked as to why a boisterous group of the Sind Hindus is opposed to the idea of separation. The reply is simple enough. If you look into the history of this question, you will find:

1. That this demand was first put forth by the Hindus of Sind under the leadership of late Mr. Harchandrai Vishindas, C.I.E.

2. That the various predominantly Hindu organisations have from time to time supported it. The Nehru Committee, the All-Parties Conference, the Indian National Congress and the Sind Provincial Conference may be mentioned in this connection.

3. That the pact which was entered into by the Hindus and Muslims of Sind in 1928 provided Sind separation.

4. That the Sub-Committee consisting of one Parsee and four Hindu gentlemen which was appointed by the Sind Provincial Conference strongly recommended Sind's constitution as a separate Unit.

5. That the Hindus are not unanimous in their opposition. There are some amongst them who are no less enthusiastic than the Muslims in their demand for separation.

6. That on the occasion of the Second Round Table Conference, Mahatma Gandhi, the greatest Hindu leader, himself offered immediate and unconditional separation of Sind.

7. It is most significant to note that as recently as the end of last year, the Sind Hindus accepted the principle of separation at the Allahabad Unity Conference and it was only when the Muslims declined to accept some of their most unreasonable demands that they revived their agitation against separation.

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[Continued.]

Add to this the consideration that the Sind Hindus have no future in the Government of Bombay and that the separation is bound to benefit them to a very large extent. The Bombay Hindus may help the Sind Hindus to dominate the Muslim population of Sind, but there is not the remotest chance for any Hindu of Sind to enter the Bombay Cabinet. If Sind separates, there is the certainty of finding place for some in the Cabinet where they can make their presence felt.

It was indeed only after the All-India Muslim League lent its support to this question that the Hindu Maha-Sabha considered this to be a purely Muslim demand and started agitation against it with a two-fold object:—

1. Firstly that the Muslims of Sind will be made to remain under the domination of the Hindu majority in the Bombay Presidency and will not be able to secure the rights and privileges to which they are entitled as a majority community in the event of separation

2. Secondly, that even if they fail in their efforts to keep Sind tagged to Bombay, they (Hindus) will be able to extort a heavy price for separation from the Muslims in the shape of extraordinary concessions.

As regards the reasons repeatedly advanced by them against the separation, the less said the better. They are so absurd that it will be a waste of time on my part to discuss them at any great length. I would, however, deal in brief with each of the reasons hereunder in order to avoid misunderstanding:—

1. It is alleged that Sind is being used as a pawn in the game of high Muslim politics. The Muslims have never demanded separation as a mere concession. Times out of number they have made it clear that they claim it on its own intrinsic merits. At any rate, this demand cannot be called a pawn in the game of high Muslim politics, as it originally emanated from the Sind Hindus themselves, and has since been supported by the Hindu Organisation of All-India importance. If it were a purely Muslim demand, why should have the Hindus supported it? In fact they have been doing it all along until very recently, when the more fanatic element among them played a somersault. Even now we have no hesitation in declaring

that the question of Sind's separation has always been advocated by the Muslims on its own merits.

2. It is said that His Majesty's Government have not taken the Hindus into confidence while announcing their decision to separate Sind. It is absurd to make such an allegation when it is a matter of common knowledge that they had had their full say in the matter. Through all the stages of the Round Table Conference deliberations, the Maha-Sabha leaders of the type of Dr. Moonje and Raja Narendra Nath were given ample opportunities to put forth the Hindu point of view. On the Sind Sub-Committee of the Round Table Conference also they had had their best supporters in Dr. Moonje, Raja Narendra Nath and Messrs. Jayaker, Jadhav and Sampuransing. In the subsequent two committees, viz., the Sind Financial Inquiry Committee and the Brayne Conference, also the Hindu point of view was fully considered. It may be mentioned here that Professor Chhablani, who is now appearing before the Joint Parliamentary Committee as a witness, was also a member of the Brayne Conference. It is no fault of Government if their reasons have not carried conviction to the Government.

3. It is stated that the conditions on which the Muslims demanded separation have not been fulfilled. The Mussalmans of Sind has never agreed to a separation which may be hedged round with impossible conditions. If these conditions mean those that came up for discussion at the Allahabad Unity Conference, then it must be said that the Muslims of Sind never lent their support to them, and so the question of their fulfilment does not arise.

If, however, the financial aspect of the separation is alluded to, I would state that if only Sind were allowed to cut its coat according to its cloth and if the expenditure on Government machinery were to be so fixed as to tally with the earning capacity of the province, there will be no deficit. Besides, so long as Sind remains with Bombay, it will never become a self-supporting province in so far as there will be no chance of its development to its fullest extent.

4. "There was no question of a subvention from Simla at any time," say our Hindu friends. What we even now want is, in the first place, a mere financial adjustment on equitable basis. And if the Government of India are not prepared to

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do so, a certain proportion of their revenues from Sind drawn through centrally-controlled departments might be allotted to us.

5. It is contended that the association of Sind with a first-class Presidency like Bombay means full Provincial autonomy for the former. But this argument cannot hold water, for Sind has also had as much training in the art of self-government as Bombay or any other province, and therefore it is only fair that it should have as great a measure of autonomy as any other province in India.

6. It is simply ridiculous on the part of the Hindus to suggest that invidious distinction will be made in imposing new taxation when Sind separates. In the first place no new taxation is to be imposed since the financial adjustment is expected to be made in such a manner that Sind will not be left in deficit. In any case how can distinctions be made in imposing taxation when a Government is responsible to a legislature and is under the control of a head with powers to safeguard the interests of the minorities? Besides, in the matter of taxation the units have to receive guidance from the centre; and directly or indirectly they have to follow the policy which is to be laid down from time to time by the Federal Government.

7. Our Hindu friends betray a lack of intelligence when they suggest that unless Sind remains with Bombay the future of the Barrage will not be assured inasmuch as its management will cease to be in the hands of experts. It is a novel suggestion, indeed. Do they seriously believe that in the event of Sind being separated, the management of the Barrage will be handed over to raw and untrained people? Sind, as every one understands, will continue to secure the services of experts drawn from the Imperial cadre of services as it is doing now; and thus there will be no change after Sind is separated. It is also suggested that if Sind remains with Bombay, she will have a decent standard of administration and of material and moral progress. This is not correct for the probable retrenchments which have been foreshadowed in the proposals placed by the Muslims before the Brayne Conference, are minor ones most of which have already been given effect to by the Bombay Government. As for the talk of Sind's progressing morally and materially because of its connection with Bombay I may observe that it is merely a mawkish

sentiment. Our 85 years experience of connection with Bombay which is called the most advanced Presidency, has convinced us that we have not made much headway either morally or materially. What then about the future?

8. In the matter of communications it has given us not more than 100 miles of Government provincial roads and not more than 30 miles of pucca roads. We have not got a single Arts, Law, Engineering, Agricultural or Medical College maintained by Government. We have received no encouragement in the matter of primary education. The following extract from the Hartog Committee report on this subject makes a very sad reading:—

"In spite of these improvements, the claims of Sind appear to have been overshadowed by those of more fortunate districts. We have been told that some of the Sind Local Boards were amongst the first to impose the Education Cess under Compulsory Education Act and yet the number of new schools sanctioned for Sind was much smaller than the number in other Divisions and that while in 1926-27, as much as Rs. 1,17,000 was paid as grant towards the expansion of Primary Education to the District Board of Satara and Rs. 37,700 to the Board of East Khandesh, all the District Boards of Sind together obtained only Rs. 18,000." A study of comparative figures of literacy would further prove that the treatment meted out to us in this respect has been far from satisfactory.

The Medical aid that Sind has been getting from Bombay is negligibly small, and therefore the death rate is very high. Malaria, Cholera and such other epidemics have been taking a heavy toll annually from Sind.

The Land Revenue Policy which at present is decided by Government under the influence of a legislature which does not know Sind problems, and which has no sympathy with it, has brought about the ruin of Zamindars.

The administration being far from the immediate influence of the Government has deteriorated considerably. Corruption and high-handedness are the characteristic features of the present administration. Independent and honest public opinion in Sind does not exist at all. The working of the Judicial Branch of Administration too is unsatisfactory. To say the least, nowhere have the prophetic words of Lord Hardinge that "Unequally

19<sup>o</sup> July, 1933.]

[Continued.]

yoked people do not pull on well together and that the weaker party suffers on account of the contact" have turned out so true as in our Province.

In the presence of such overwhelming evidence of Bombay's stepmotherly treatment it will be a height of folly to expect her to provide Sind with more amenities as promised by Sind Hindus in their memorandum, particularly when Bombay has discovered that she is already suffering an annual recurring loss of Rs. 80 lakhs on Sind.

9. Our Hindu friends urge that in Sind's continued connection with Bombay lies the solution of communal difficulties. But this idea does not appeal to us. On the contrary, if this unnatural state of things is continued, instead of bringing about peace and happiness, it is bound to spell our ruin. This arrangement is like tying two wild cats by their tails and expecting that it will promote peace and contentment among them. To link up four million discontented people with a presidency with which they are already fed up, in utter disregard of their feelings, is a novel way of establishing peace.

10. The suggestion that if Sind is separated many new complications may arise is absurd.

*If Sind is not Separated Immediately.*

I would like to mention here certain difficulties which Sind will have to face if its separation is not forthwith effected.—

(a) Since the Bombay Presidency is labouring under serious financial difficulties at present, it will not be able to give proper attention to Sind with the result that the latter will be all the more neglected, especially in the matter of agricultural development and educational progress. The hopes of the success of the New Barrage Scheme will also not be realised.

(b) As the Presidency people are now given to understand that they are spending as many as 80 lakhs of rupees annually to cover Sind's deficit, they will naturally demur still further to advance the interests of Sind.

(c) After the introduction of autonomy, the entire Ministry will be captured by the Presidency members who do not know anything of Sind and will do it scant justice.

*If Sind Separates.*

But if Sind is constituted a separate autonomous province, the following advantages will accrue to it as well as to Bombay and to India incidentally —

(a) All the difficulties that have been shown above will be remedied and the grievances of as many as four millions of people will be redressed. The contentment and happiness of millions of God's people is certainly a noble achievement.

(b) Bombay will to a great extent be relieved of her financial worries, and will thus be able to run her own Government with considerable success.

(c) Sind, with its own Government, will be able to give adequate attention to its peculiar problems, such as the Agricultural development, the materialisation of Barrage forecasts, the development of roads and communications, the progress of the port of Karachi, the growth of industries and of all kinds of useful arts and trades, the spread of education, the establishment of Sind's University, the development of the great mineral wealth of the province, the evolution of independent public opinion, which all will be great assets to the cause of Indian nationalism.

FINANCES.

*Preliminary Observations.*

While considering the financial position of Sind it must be borne in mind that Sind is a country with vast potentialities of development in the matter of agriculture, commerce, minerals, etc.

The Sukkur Barrage has just begun to operate and it will increase the area of cultivation. Within 10 years of its operation, of the total cultivable area of 6,529,705 acres covered by the Barrage, 50 per cent. will be under cultivation; after 20 years 65 per cent. and after 30 years 81 per cent. There will be large cotton cultivation and the province of Sind alone will yield two-thirds of the total cotton product of India. At present India produces three million bales and in 30 years Sind alone will produce two-thirds of that quantity.

This is with regard to cotton alone. When we consider the increase which is bound to come in the production of every kind of raw material and the corresponding growth in population, education and other useful arts and trades, and when sulphur and mineral deposits of Sind are

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[Continued.]

tapped, we can confidently hope that the economic condition of Sind will improve by leaps and bounds.

Again, if the port of Karachi, which is nearer than Bombay to Europe on the one hand and to Arabia and Mesopotamia on the other, is developed to its fullest extent we will be able to achieve so many things, e.g., we will draw five-sixths of the whole Moslem pilgrim traffic; we will arrange for the direct arrival of the English mail; and we will capture the trade of the whole of Central India (including U.P. and C.P.) by opening a direct fast train service. All these achievements will greatly promote the commercial interests of Sind. It is noteworthy that at present we have not got even sufficient shipping facilities at the Karachi port.

Sind has great possibilities in the matter of Minerals also. In 1857 coal was discovered at Leilan, 27 miles north-west of Kotri, and specimens of it sent to England were found to be highly satisfactory. When the development of the province is undertaken, Sind will have its own coal-fields. Gypsum is abundant in Sind and so is Iron-ore in many places near Kotri and the hills south-west of Jherruck. Petroleum can also be found in Sind, and so can Carbonate of Soda and Sulphur. Sind's soil being rich there are chances of other minerals and commodities being yielded by it.

There are endless methods of producing money which the future will disclose. Nature, it is hoped, will reveal her vast hidden wealth as she did in America when a proper development of Sind's resources is attempted.

Two broad commercial features of Sind still need special consideration. A glance at the imports and exports of Karachi for a period of fifteen years preceding the economic depression will show its steady growth as a prosperous port-city:—

|             |             |             |
|-------------|-------------|-------------|
| 1907-08 ... | 109,000,000 | 327,000,000 |
| 1917-18 ... | 195,000,000 | 595,000,000 |
| 1922-23 ... | 236,000,000 | 708,000,000 |

Let us also cast a glance at the approximate quantities of crop in the Sukkur Barrage area at present and the anticipated yield after final development:—

| Crop.      | As grown at present. | Full yield hereafter. |
|------------|----------------------|-----------------------|
| Wheat ...  | 68,000               | 935,000               |
| Rice... .. | 280,000              | 515,000               |
| Jowar ...  | 52,000               | 190,000               |
| Cotton ... | 300,000              | 575,000               |
| Exports .. | 183,000              | 1,380,000             |

It is significant to find that within this first year of its operation, the Barrage has yielded results which exceed the official forecast. As to the area brought under cultivation the following comparative figures will show that whereas the Kharif cultivation has been raised to the extent of 98 per cent. of what was expected, the Rabi cultivation exceeded by 30 per cent. the figure provided in the forecast:—

| Crop.      | Area which was to be cultivated according to the forecast. | Area actually cultivated. |
|------------|--|---------------------------|
| Kharif ... | 1,394,880  | 1,365,947                 |
| Rabi ...   | 890,000  | 1,155,000                 |

Thus it appears that so far as revenues from Barrage are concerned, the results are very much encouraging. Similarly, the land sale programme has also been successful. According to the original programme it was anticipated that during these first two years about 90,000 acres of Barrage land will be disposed of, but as a matter of fact about 1,10,000 acres have been disposed of. The prices which the lands have fetched are also higher than those provided in the forecast.

When we contemplate this tremendous increase in the products and revenues after Sind separates, we cannot help experiencing a sensation of joy.

#### *Sind's Fitness to Become a Self-Supporting Province Within a Short Time.*

A province with such vast possibilities of development is bound to become self-supporting at no distant date. It would be desirable here to take into consideration the present financial position of Sind with a view to making a forecast of its future. We can be guided in our calculations by the report of the Brayne Conference. It will be noticed that this report takes for the figure of basic deficit Rs.68.5 lakhs and for cost of separation Rs.12 lakhs, making 80.5 lakhs altogether. Now even if the present standard of administration is maintained and the retrenchment which has already been effected by the Government of Bombay is not taken into consideration, and even if the new sources of income are not tapped nor the leakage of Government funds stopped, Sind's deficit begins automatically to decrease from 1939-40 onwards, until it is completely wiped out in 1944-45, for which year the report estimates a surplus of 4.74 lakhs.



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After that the surplus goes on progressively growing until it reaches a figure of 89 lakhs in 1961-62.

This is one view of the question. I shall now advert to the other. The scheme which I placed before the Brayne Conference boils down the deficit to 6 lakhs, and by suggesting various sources of increased revenue it points to a surplus of 20 lakhs for nation-building departments. I append that scheme at the end of this memorandum for ready reference. Thus it is quite obvious that Sind's future in the matter of finance is not so dark as the anti-separationists depict. It is absolutely certain that if Sind is allowed to pursue its only line of development independently of Bombay's interference she will be a self-supporting unit within a short time and will ultimately become surplus and prosperous.

*Our Right to have Financial Help from Central Government.*

While considering the question of financial help to Sind, it must also be borne in mind that it has been paying large amounts into the coffers of the Central as well as the Bombay Governments. It is an established fact that prior to 1920 Sind was a surplus province. This is evident from a statement made by the late Right Honourable Mr. Montague, the then Secretary of State for India, in his Indian Diary: "It is undoubtedly true that Sind gives more funds to Bombay than what Bombay pays to Sind" (Page 151).

The Irrigation works in Sind which are productive commercial undertakings have up to date given a net profit of over Rs 6 crores to the Government of India and to the Bombay Presidency, whereas the Presidency proper Irrigation works which are unproductive ones have swallowed over 5 crores, evidently at the cost of Sind. These figures are available in the Administration Reports of the Bombay Presidency P.W.D. Besides, the Central Government have been getting large revenues from Sind through the departments which are directly under their control, such as Posts, Telegraphs, Railways, Income Tax, Customs, etc. In consequence of the Barrage works also the Central Revenues from Sind have been greatly increased.

I would give the latest figures of the Income from the two of the centrally-controlled departments:—

|              |     |                |
|--------------|-----|----------------|
| * Customs    | ... | 6 crores.      |
| * Income Tax | ... | over 21 lakhs. |

The figures of the earnings from the Railway, Posts and Telegraph Departments are fluctuating, though they too yield enormous sums of money.

In the distribution of assets, too, the Bombay Government have done a very great injustice to Sind, as is shown in the Miles-Irving Committee Report.

Coming to the question of financial relief from Central Government, I submit that we demand it on the basis of the same principle which has been enunciated by the Percy Committee that: "All the units of the Federal Government should be treated as integral parts of the Federal Government as a whole and therefore the Central Government revenues should, as far as possible, be so distributed among them that none is left with any deficit." What Sind really demands is, in the first place, a mere adjustment of finances with the Central Government on the same basis as recommended by the Peel Committee of the Round Table Conference and the Percy Federal Finance Committee. They both have, as shown above, emphatically suggested that the distribution of income tax revenues which at present are wholly utilised by the Central Government, should be made in such a manner that every Province big or small is ensured an autonomous existence. In the case of Bombay and Bengal, they have suggested special basis of distribution of Income Tax Revenues in order to enable these two provinces to pay their way. They have further changed the basis of distribution in regard to Behar and Orissa and Assam. We desire to have similar adjustment and similar concessions in the case of Sind as well, which are quite justified in law and equity, and are quite consistent with the theory of Federal Finances.

Under the Government of India Act, 1919, all revenues of British India belong to His Majesty the King Emperor and are in theory controlled by the Secretary of State in Council. Under section 20 of the same Act, all liabilities of any part of British India are charges on these revenues. But in practice, in the interests of efficiency and autonomy, certain revenues have been assigned to the provinces under the Devolution Rules. There is, however, nothing in the Constitutional Law and usage to prevent His Majesty's Government from making any changes in these assignments of revenues in the interest of order, justice and good Government. The only



19<sup>o</sup> July, 1933.]

[Continued.]

limits to its constitutional power of interference in this respect are those imposed by considerations of administrative efficiency and of the material and moral well-being of the Provincial Units.

As long as the Provinces are not independent sovereign units and the Central Government retains this power of altering their obligations and their share of the revenues, the latter is bound to make necessary reasonable adjustments in order to ensure to the former adequate revenues for normal scales of expenditure. The situation at present is that His Majesty's Government having accepted the principle of separating Sind from Bombay, the Central Government after theoretically resuming the functions, revenues and liabilities which it had allotted to the Bombay Presidency under the Devolution Rules, is reassigning them to two new Provinces of Bombay and Sind in accordance with the Federal principles governing the division of functions and financial resources settled by the Round Table Conference. This does not mean that the Federal Structure Committee and the Federal Finance Committee can write on a clean slate, and run away from existing facts. But this does imply the power and obligation to make some adjustment necessitated by certain intractable facts, e.g., the obligation to cover the "deficit" of Bengal, Bombay, Behar and Orissa, Assam, and of Sind. In re-assigning revenues and liabilities to Sind and Bombay, practical rather than strictly equitable considerations governing the divisions of the assets and liabilities of a partnership, will have to be followed and the constitutional necessity of dispensing, as far as possible, with a subvention will have to be borne in mind.

If Sind is not separated, the Bombay "deficit" would not be 65 lakhs as given on page 22 of the Federal Finance Committee's Report, but 145 lakhs; and that will have to be met somehow by other federal adjustments, if Bombay Presidency is to enjoy autonomous existence. With Sind, Bombay will not have a surplus of 54 lakhs, as it has been anticipated by the Federal Finance Committee, but a "deficit" of 38 lakhs, even after the income tax has been distributed.

In this connection I would like to explain the confusion which surrounds the use of the word "deficit." There can be really no "deficit" Province, as long as a whole joint-family, i.e., India, is financially sound. A provincial deficit only

means that under certain artificial conditions of division of revenues and functions, a certain province has a deficit. But these artificial conditions may themselves be the subject of dispute and argument.

The Miles-Irving Committee, which came to examine the financial position of separated Sind in 1931, have rightly remarked that "the charges which are assumed as debitable to Sind represent an equal relief to the Presidency of Bombay. It is the cost of separation alone that imposes a fresh burden on the revenues of India as a whole." It may be mentioned here that according to the finding of the Miles-Irving Committee, the actual cost of separation will be only 11.05 lakhs.

It has been argued by the opponents of the separation that the cost of separation should be borne entirely by Sind. But in practice it has to some extent been already effected. The Tobacco Tax, the Electricity Tax, the charge on transfer of property and the enhancement in the court fees and stamps recently sanctioned by the Bombay Legislature, have automatically increased the revenues of Sind to the extent of Rs. 3 lakhs, even as estimated by the Miles-Irving Committee and the Brayne Conference. In the course of next two or three years, the revenues from these heads are likely to increase to about 5 lakhs. The Sind Conference had suggested some additional reasonable taxation such as Excise duty on cotton at the Karachi port and one anna cess. These two between themselves will yield about 21 lakhs of rupees, which amount will be more than double the cost of separation and the Brayne Conference has accepted the principle of both these taxes.

Even according to the view taken by the Finance Secretary of the Government of Bombay in his note to the Federal Finance Committee Bombay will benefit to the extent of about 75 lakhs by the separation of Sind. Thus the claim of Bombay to the share of Income Tax will proportionately decrease and, to put in the language of Federal Finance Committee, Bombay's contribution to Federal Government will correspondingly increase. I quote here the relevant para. from the Finance Secretary's note:—

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the Presidency's Finances in the shape of a contribution, then it is clear that some other method of relief must be found if the Presidency is to start its career of autonomy with any prospect of success."

#### SUMMARY OF REASONS FOR SUBVENTION.

Granting that the relief we get from the Government of India does not come to us by way of financial adjustment, I submit that it should be given to us under the label of "subvention." The reasons on which our demand for subvention is based are summarised hereunder:—

1. It should be remembered that the province of Sind is contributing large sums of revenue to the Central Government in the shape of Customs duties, Railway, Post, Telegraph charges and the Income Tax. These sums are bound to increase from year to year as the result of the growing success of the Barrage. It has been estimated that Central Government will benefit to the extent of about 75 lakhs a year.

2. Sind has the unique port of Karachi, whose outstanding features have been already discussed. The Government of India even at present are deriving about 6 crores a year in the shape of Customs dues. If Bombay and Bengal give Government of India large sums by way of Income Tax Sind does so by way of Customs; whereas Punjab, U.P., Assam and other provinces do not contribute directly or indirectly to Government of India as much as Sind does.

3. The Government of India have already benefited greatly on account of the launching of the Barrage project in Sind, as they have received large Customs revenues in respect of Machinery imported, etc.

4. Sind is of greater importance to the whole of India than even the North-West Frontier Province, it being the frontier of India by land, sea and air.

5. If, as stated above, Sind receives financial support from the Central Government, Bombay will be correspondingly relieved of its present financial burden on account of Sind; and therefore the latter's claim to the share of Income Tax will automatically diminish and the claim of the Government of India for

its contribution from Bombay will correspondingly increase.

6. If Bengal, Behar, Orissa and Assam receive special consideration for financial adjustment, then why not Sind?

7. The claim of Sind for financial help is of a temporary nature, since Sind is sure to stand on its own legs in the near future, as is foreshadowed in the report of the Honourable Mr. A. F. L. Brayne.

#### AMOUNT OF SUBVENTION.

On behalf of the Sind Separation Conference, I would like to state that in the present circumstances the findings of the Brayne Conference placing the subvention at about Rs.80.65 lakhs are acceptable to us. It has already been made clear that the Government of India will have to part with this sum in any case according to the results of the investigations carried on by the Percy Committee. I mean this amount will have to be paid to Sind in any case, the only difference being that in the event of separation, it will have it directly from the Government of India and in the alternative through the Government of Bombay.

#### *Period for which Subvention is Required.*

As estimated by the Brayne Conference this amount is required provisionally for a period of ten years, and after that period the Barrage revenue will, it is hoped, obviate the necessity of going in for this help.

#### *An Important Point.*

The Sind Conference is emphatically of the opinion that a statutory provision should be made for the amount of subvention to Sind so that the newly constituted province be not left to the tender mercies of the Central Legislature with its Hindu majority. It can easily be seen that it will be very harmful for a new province struggling to stand on its own legs, to be a pawn in the game of communal politics at the centre at the very beginning of its career.

#### *Constitution.*

1. Sind requires full autonomy with the same powers and privileges which the other autonomous provinces are going to have. The composition of the Legislature would take place on the lines of the Premier's Communal Award, which gives weightage to the extent of about

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10 per cent. to the Hindus of Sind. Separate Electorates are absolutely indispensable.

2. So far as the Cabinet is concerned a provision may be made to have at least three Ministers. Their number should be decided by a vote of the Legislature, from time to time, according to the requirements of the Province. No statutory reservation need be made in favour of any community in the matter of allotment of Cabinet seats. It should be left to the judgment and the discretion of the Legislature and the Governor.

*Statutory Reservations are uncalled for.*

Statutory reservations guaranteeing special rights to any particular community in Sind are absolutely uncalled for. The Moslems, being in a majority, do not require them and the Hindus who, according to their own admission "form the most influential and educated minority, and have supplied the bulk of administrative staff and professional talent" and who are the "Pioneers in the field of education and local self-Government and command tremendous influence in all walks of life in Sind" need not clamour for them.

Safeguards are needed only for those minorities which are backward and are numerically weak. But such is not the case with the Sind Hindus. The percentage of literacy among them is much higher than that among the Moslems; and according to their own calculation their population is 26 per cent. On their own admission, the trade of the entire province is in their hands. And according to their own estimate, they possess not less than 40 per cent. of the agricultural land of Sind. The bulk of Government offices are held by them and above all they are a most enterprising community. Safeguards are not meant for such advanced communities; and it will be most unfair to the Moslems of Sind to grant them to the Hindu community, for it is feared that the safeguards may be used to obstruct the smooth working of the future constitution by this hostile minority.

A326. Is there anything which you would like to add to your Memorandum at this stage?—Yes. With your permission, I would like to make a short statement to amplify certain points and to clear certain issues.

A327. Is it a statement which you could hand in to be added to your record rather than that you should read it now?—They are short notes, and they are not in a good readable condition.

A328. Very well?—My Lord Chairman, I would, at the very outset, submit that the question of separating Sind from Bombay and constituting it an autonomous province is of the utmost importance to the people of Sind. They have been anxiously looking forward to the day when it actually happens, ever since the year 1913, when the political consciousness and the practical experience brought home to them the real and practical evils of being governed by a Government which was placed at such a long distance from their Province. The natural consequence of this evil was that the Government took very little interest in the administration of the Province and it began to be almost entirely dependent upon the advice of the Commissioner in Sind who was entrusted with the extraordinary powers under the Special Delegation of Powers Act, 1860. This naturally resulted in the despotic and irresponsible, one-man's rule in Sind. There have been very frequent protests from both Muslims and Hindus about it. The real remedy, of course, lies in granting Sind a separate government of its own, which will be directly in touch with the people and closely connected with the administration of the province. I would, therefore, my Lord Chairman, crave your indulgence to allow me adequate time to deal with this question at somewhat greater length than I am ordinarily expected to. I would like to briefly trace the history of this question, particularly of the recent past, and the manner in which the question has been carefully gone into at the successive stages and how it has been closely and carefully examined under the directions from the British Government and that of the Government of India. I would, in the first place, wish to make it clear that I have come down here in my capacity as the representative and spokesman of the Sind Separation Conference, which body has the largest numerical support in the Province, as it can claim to speak on behalf of 80 per cent. of the people of the Province. The Conference has, by passing a special resolution, desired me to submit before you, with all the emphasis that I can command, that the people of Sind have a firm belief in the solemn pledge of His Majesty's Government that Sind will be constituted a separate autonomous pro-

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[Continued.]

vince along with the inauguration of new reforms in India, i.e., simultaneously with the grant of autonomy to other provinces. This decision, as everyone knows, was taken by the British Government after mature and careful consideration. During the course of the last five years, that the detailed inquiry into the Indian political reform has been systematically carried on, this question, too, has simultaneously received its due attention. The Royal Statutory Commission which came down to India in 1928-29 offered the first constitutional opportunity to the people of my Province to place their case for separate government for their Province, before them, and this was done through the Deputation of the Sind Muslims Association which I had the honour to lead, at Karachi. The Simon Commission expressed their sympathy with this question, but they temporarily brushed this question aside by suggesting that a Boundary Commission be appointed to go minutely into the question and make special recommendation about it. The question was again reopened at the time of the first Indian Round Table Conference in 1930-31 when a Sub-committee was set up to thrash out this question and make a specific recommendation. The question with regard to the administrative difficulties and the unsatisfactory method of the present administration of the Province, was fully discussed at this stage and it was finally held that the solution of these practical difficulties lies in making Sind a separate province. As a result of this, the principle of separation was accepted. In the middle of 1931 the Government of India appointed an Inquiry Committee known as Miles-Irving Committee to examine the financial side of the question. This Committee issued their report, and it was duly considered by the British Government. In April, 1932, Government called a Sind Conference, which began its deliberations under the Chairmanship of Mr. Brayne, wherein the representatives of Sind were invited to find ways and means to balance the budget. The Conference came to the conclusion that the extra cost of separation will be at the most Rupees 12 lakhs per annum, although the Expert Committee calculated it to be 11.05 lakhs. The Sind Representatives agreed to make good this amount by extra taxation, and they voluntarily agreed to impose one anna cess in every rupee of the Land Revenue and Water Rate. This will bring in

about 11 or 12 lakhs to start with. In addition to that, some other taxations were considered, which can advantageously be imposed to either reduce the deficit or to utilise it in improving the nation-building departments. The Government of Bombay have, with the support of Sind legislators, imposed the Tobacco Tax, the tax on Electricity, the enhancement in court fees, stamps and the transfer of property tax. These taxations will give the benefit of at least three lakhs this year to Sind alone and will rise up to about 10 lakhs in the course of next five years. The ordinary deficit of 80 lakhs debited to Sind means an equal relief to the Presidency of Bombay. This clearly shows that the separation of Sind does not impose any extra cost on the finances of India as a whole. What we may call deficit of Sind is the equal relief to Bombay. The Government of Bombay have more or less acted as agents of the Government of India in this respect, as it is purely the function of the Central Government to so distribute their finances that no province is left with any deficit, and I maintain, the Government of Bombay finds no place in this arrangement. This principle was propounded by the Federal Finance Committee in early 1932, which was presided over by you, Mr. Chairman. This Committee, on page 22 of their Report, clearly show that Bombay, even after the separation of Sind, will be left with a deficit of 65 lakhs, unless a share of income tax is transferred to it by the Central Government. But if Sind continues to remain with it the deficit will mount to about 1½ crores. The Percy Committee have also expressed that in view of the fact that Sind may be made a separate autonomous province, it should receive the required subvention from the Central Government direct, out of the Income Tax, just as the North-West Frontier Province shall have to get. As a result of these investigations, the Government of Great Britain, through the Secretary of State, have in general accepted the conclusions of the Brayne Conference and the statement made by Sir Samuel Hoare on the 6th of December, 1932, while addressing the Third Indian Round Table Conference, is quite clear on the subject. I should like to reproduce a paragraph of his remarks dealing with the subject: "Lastly, there are two questions on which one or two observations should be made before the



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[Continued.]

general discussion begins, viz.: the question of separation of Sind and the separation of Orissa. In the first place, there is the separation of Sind which His Majesty's Government have accepted in principle subject to the discovery of satisfactory means of financing the new province and which the Conference accepted in principle last year. The financial problem has been examined both by an Expert Committee and a Conference of representatives of Sind presided over by Mr. Brayne whose report indicates there will be a deficit of 80½ lakhs from 1933-34 to 1938-39, after which it would be continuously reduced until, in 1944-45, a net surplus of gradually increasing amount would be established. These estimates represent a reasonable working hypothesis." He further goes on to say: "On this basis, after allowing for certain possible economies and for the fact that additional cost of separating Sind is expected to be covered by fresh taxation within the province, there is likely to be an initial deficit on the administration of Sind amounting to about Rupees ¼ of a crore which would be extinguished in about 15 years or earlier if new resources become available." Similarly, the Peel Committee of the Round Table Conference, in their final conclusions, have recommended Sind to be treated on the same footing as the North-West Frontier Province for the purposes of subvention, although they suggest that the subvention should be given only for a specified period, under the Constitution, out of Income Tax that accrues to the Central Government. I reproduce a portion of their recommendations in this respect: "Sind is in a special position in that careful investigations have already been made which show that it will be heavily in deficit for a considerable number of years, but that a surplus may eventually be expected to emerge. The whole financial outlook of the Province depends upon the Sukkur Barrage. In this case, it is suggested that there should be subvention from the Federal Government on a pre-determined programme." The reasons for the subvention in accordance with the recommendations of the Brayne Report are indeed overwhelming, and I have categorically dealt with them in my Memorandum, which is already in your possession. On the 24th December, 1932, the Secretary of State for India, while winding up the deliberations of the Third Round Table Conference, made a statement on behalf of the Government that:

"His Majesty's Government have come to a definite decision that Sind will be constituted a separate autonomous province." Again, in April, 1933, the White Paper was issued by Government, wherein it has been laid down that Sind, along with the rest of the Indian Provinces, will be constituted a separate autonomous province (vide pages 23 and 24). For all these reasons, you will find, Sir, that the decision has not been taken in a haphazard manner, but that all that has been done is with due deliberation and after careful consideration. We, therefore, sincerely believe that the British Parliament will endeavour to redeem the solemn pledge given to the people of Sind and to the people of India as a whole. We rightly regard this question as finally settled. I do not for a moment challenge the Constitutional authority or the competence of this august Committee. It is far from my intention. What I merely mean is that the question, having been fully discussed and decided upon, does not need to be reopened. I am, however, prepared, Sir, to help this Committee in clearing any doubts that may have been created by the misleading propaganda on the part of the anti-Separationists, or any information that I may be called upon to give with regard to the details of the Constitution of the future Province of Sind. I would, however, like to mention a few important points which may have been misrepresented by the anti-Separationists with a view to prejudice the Committee. The first is that it has been alleged that the calculations made by Mr. Brayne in the Conference and the Report that has been issued have already gone wrong by several lakhs and that they will never be realised hereafter. I fail to understand how they come to this conclusion. For three years, viz., 1929-30, 1930-31 and 1931-32, owing to the extraordinary depression and the low prices of agricultural products, the Bombay Government, like other Provincial Governments, allowed special rebates in the Land Revenue, and that, of course, must naturally upset the ordinary calculations that were made. In the year 1932, the Land assessment rates have been revised in accordance with the Barrage programme throughout the Barrage area, and have been considerably enhanced. Besides, the Government have allowed no special rebates to any appreciable degree and none whatever within the Barrage area in the current year. This will naturally bring more revenues to the



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Province, and, perhaps, much more than what Mr. Brayne has calculated. Then there is one interesting point to note, that there has been 30 per cent. more cultivation within the Barrage zone in the last Rainy season than was even forecast. For instance, the authenticated figures which I have got from an official record show that the original forecast according to the cultivation was to be 22 lakhs, 84,880 acres, whereas actually in the current year the cultivation has been 25 lakhs, 20,947 acres. That means that there is an excess of 2 lakhs, 36,067 acres. This will give us roughly about 10 lakhs more revenue this year than was anticipated. Then with regard to Excise, the Government of Bombay have now realised the defect of the prohibition policy, and they have allowed them to open more liquor shops and higher bids have been received in the auctions than before, so we anticipate greater Revenues in the shape of Excise as well. It is specially misleading to say that the deficit of Sind is 91.45 lakhs. You have got to take into consideration 12 lakhs, the extra cost due to the separation, which amount is being entirely met from extra taxation. Then, Sir, with regard to the Barrage, some of the anti-Separationists in Sind have been rather circulating misleading rumours, that it will fail, and so forth. From the figures of cultivation, you must have realised that there has been more cultivation than was anticipated by the Chief Engineer himself. I have already said that the cultivation exceeded by 30 per cent. the original forecast. I would like to inform the Committee that there have actually been more land sales than was anticipated according to the programme in the first two years, to the extent of 50 per cent.; the estimate was 125,000 acres, whereas I have got actual official figures from the Revenue Commissioner of the Barrage, under his signature, that they have disposed of 2 lakhs—that means 50 per cent. more than they anticipated, and the rates have been exactly according to the forecast, and the forecast has not been in the least affected by the present depression, so far as the sales of land go. Then another special point in this connection is that they have actually leased out land, 1 lakh, 25,000 acres. This is quite a new item; it never existed in the forecast, and this will give us 8 lakhs per year more. Then it has been said by the anti-Separationists

that the capital outlay on the Barrage has increased, and that the rate of interest will affect the borrowing for the Barrage adversely, and the working expenses have increased the land values have tumbled down. These are all false statements, and are absolutely misleading. In the first place, the capital outlay has not increased, but is down by 1 crore of rupees, and the statement of Sir Charlton Harrison, the Chief Engineer, is also very clear on the point and, subsequently, the figures which the Chief Engineer has submitted to the Government also represent an equal amount of saving. The rate of interest does not, one way or the other, affect the Barrage debts, because they were incurred on the specific agreement with the Government of India at the rate of 6 per cent. interest, irrespective of the fluctuating market rate at different times. Then as regards the working expenses, I might inform you that the working expenses have not increased. The Government of Bombay are very carefully looking into this question. The Government have abolished the appointment of Second Chief Engineer; that has effected a saving, and they are looking into the question of still further reducing the expenditure. As regards the land sales, I have already submitted figures showing that there have been more sales than were anticipated. These are the few main points that I wanted to mention at the outset, and I am prepared to give any further information that I am asked for.

*Lord Hutchison of Montrose.*

A329. I take it from the statement that you have made that you accept the figures as contained in the Brayne Report?—Yes; on the whole, they are satisfactory and reasonable.

A330. You anticipate that in the course of 10 years the Barrage will be a productive concern?—Yes; I think these figures are fairly reasonable, and in the course of about 10 years, as it was anticipated, we shall have no deficit. In about 1944-45 it will not stand in need of a subvention.

A331. You admit, of course, that these figures are based on world prices?—Yes. They have taken into consideration the slump rates. Mr. Brayne has clearly shown that the land assessment rates will be according to the slump rates, for five years, in any case; and, for that reason, he has made three different calculations; he has worked out his own calculations, which include the slump rates; therefore,

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the slump rates are already taken into consideration. They do not alter the position at all.

A332. But, naturally, the world prices will govern the ability to pay towards the use of water and land?—Yes; but at present the world prices are at the lowest, I suppose; and we do not expect that they will go down. As things stand, the prices are very low at present.

Sir P. Pattani.

A333. You agree, I suppose, that autonomy includes both rights and duties?—Yes, exactly.

A334. And an autonomous province undertakes not only the rights but also its duties?—Certainly, yes.

A335. Therefore, the administration should be in a position not only to administer its rights, but also to carry out its duties?—I am sure it will be.

A336. Do you think that Sind would be autonomous if Sind has to depend upon an outside authority for financial subvention to carry out its duties as an administration? Would you call it full autonomy?—The case of Sind is somewhat different. I would like to point out, as I have said in my statement, that even now Sind—you may call it subvention or whatever you like—receives from Bombay. Originally, when Sind was conquered, it happened to be conquered by the Army, which was of Bombay, but Sind was far nearer to the Punjab, and should, in ordinary circumstances, have been occupied by Northern Army; but circumstances so developed that the Bombay army which went to Afghanistan, while returning conquered Sind. Therefore, Sind began to be linked up with Bombay, but Sind has never been connected with Bombay in the past; or as a matter of fact any country in the south, and at no time has Sind been connected with any other province. It should have in natural way had connections with the North and not with the South. I maintain that this connection with Bombay is purely an artificial one. Besides Sind gives a lot to the Central Government. Sind gives five to six crores a year in the shape of Customs Duties to the Central Government from the port of Karachi. Certain revenues came to be called Central revenues; and others provincial revenues; but, according to the Government of India Act, Section 20, the British Government have a right over the finances; they can distribute them in any manner they like. The division of financial sources and revenues between

provinces and the Central Government, according to the Meston Settlement is purely an artificial one and British Government can alter it in any way they like. Therefore, I should call this the financial adjustment or a temporary financial help. There was a good deal of discussion over this point. If you were to take the case of Assam, Assam is a Deficit Province; Bihar and Orissa is similarly a Deficit Province and so is Bengal.

A337. I am applying that to all the Deficit Provinces?—Exactly.

A338. Supposing that the final principle is adopted that Deficit Provinces should have no claim on the Central Government for financial help, would you claim that Sind should be an exception to that?—Yes. I am afraid I should say that Sind has an exceptional case, and can rightly claim to be placed on special footing in that respect.

A339. Can you give any exceptional grounds for that?—Yes. I have just traced out the whole history. I have referred to the difficulties we have and the discrimination linguistically, ethnologically, culturally and even climatically. You know the Bombay Presidency members of the Legislative Council do not understand anything of the Sind Province in regard to its agriculture and irrigation system. Sind is dependent more or less entirely upon irrigation, but the Bombay Presidency depends upon the monsoon. Everything is materially different in all practical aspects.

A340. You have said that Sind has suffered because of its amalgamation with Bombay?—Yes, because the Bombay Government has been very far from Sind.

A341. Do you think that the Barrage would have been possible if Sind had not been with Bombay? May I point out that Bombay has not found that money at all; that money comes from the Government of India. The Government of India has borrowed the money in the market and lent it to Bombay and, through Bombay, Sind has got it.

A342. Do you think that the small Province of Sind could get such big amounts?—I would like to point out that Bombay has not contributed anything towards Sind for the Barrage.

Sir P. Pattani.] It has contaminated its name and its reputation.

Sir Hari Singh Gour.] It has plenty of security.

Witness.] That is more or less moral security.

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Sir P. Pattana.

A343. Another point I would like to put to you would be this. Do you think that Sind will be able to find money for its full university wherein you can have all the education in Sind that you are now given in Bombay?—There are other Provinces which have not got universities and, besides, a university does not cost much.

A344. There are Provinces that have not got universities. Would you be satisfied with the absence of educational facilities in Sind?—No. We have got our colleges; we have got an Engineering College, a Law College, and an Art College.

A345. What about the Agricultural and Medical Colleges?—Yes, we can have these too in due course of time.

A346. There is no desire to keep Sind arbitrarily linked up. The desire is only to find sufficient means for an autonomous Province in order that the autonomy can be so exercised that it can lead to the development and real progress of the people, and it is from that point of view that I am putting my questions?—I would submit that there are very many important points which do entitle Sind to have a separate Government. There are other Provinces which have not got their own universities, such as Assam, for instance.

A347. That means then that you will be satisfied with lesser educational facilities for the sentiment of being autonomous?—There will not be lesser educational facilities. There are universities in Bombay and other provinces near about to which students may go.

A348. Do you think they will be prepared to take your students?—Yes. Students from Sind have not necessarily to go to Bombay. We have got Arts Colleges and other colleges in Sind. But for any research work or further education they could go to any other place convenient.

A349. They are going to Bombay University because it is cheaper. I must tell you that Bombay University has been refusing, or some of the Colleges have been refusing Indian State students since our transfer to Delhi from Bombay, and I am afraid that these Provinces, when they become component entities, might be tempted to make, first, provision for their own students, and then provision for students from other Provinces. It is from that point of view that I am asking you whether you think it will be in your interest to separate at first, before you got the funds from a Province that

gives you educational facilities and irrigation facilities and many other advantages?—I am afraid I cannot hold that view. We have got an Engineering College in Sind. In the whole of the Bombay Presidency there are only two Engineering Colleges, one at Poona and the other in Karachi. We have been admitting students in Karachi College from outside and we would be only too willing to fill up the College

A350. You have given as your main reason that if Sind is separated, by adjustment and by reduction of expenditure, you will be able to meet your financial obligations?—The extra financial obligations only and further development of the province.

A351. Can you give me some idea as to the direction in which reductions will be possible?—There was a long discussion which took place for about twenty days in the Sind Conference, and I will refer you to the proceedings of the Conference. Just to give you an idea, I would state that Sind expenditure is the highest in the whole of India. If you only take general statistics of the Provinces and compare Sind with them, you will find this. I have got here statistics which are authenticated and have been taken from the published figures of Government. Take the case of Land Revenue and General Administration. Sind spends per head Rs.1-1-9 whereas the Punjab spends Rs.0-10-3 per head, Assam spends Rs.0-9-1, the United Provinces spend Rs.0-8-1, Bengal spends only Rs.0-5-5 and Bihar and Orissa spend annas -4/- only, per head. Take the case of the Police, about which there is a lot of criticism. On the Police per head we spend one rupee and one anna, United Provinces spend annas 6, the Punjab spends Rs.0-8-9 and the Central Provinces spend Rs.0-6-5 only. I will refer you to the Brayne Conference Report, where Mr. Brayne himself has expressed the opinion on page 15: "I therefore share the views of those who maintain that still further pruning of expenditure in Sind could be effected though without a very detailed examination, it is not possible to indicate specific items. The police expenditure, however, is undoubtedly high and requires special examination." That is the opinion held even by Mr. Brayne. We gave him certain figures, and he said that of course it was beyond the terms of reference; therefore, he could not examine those figures, although he held in general

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that there was considerable room for retrenchment.

A352. By that you mean the salaries of officers?—They too are very high, but there is all round enough room to retrench just as I read out Mr. Brayne's opinion in general.

A353. Under the new scheme, with officers stabilised as they are, how will Sind alone be able to reduce its expenditure?—Much of the expenditure is in respect of the subordinate and provincial services too. Take the case for example of the primary school teachers. I am giving you merely an illustration of the smallest men, who are at the bottom and are paid the least. In Bengal they get Rs.10; and in Sind they get Rs. 20 p.m.

Lord Eustace Percy.

A354. Surely not now? The Bombay rate has been reduced in the last year a good deal?—Yes; but now they get Rs 18. If you will read the Thomas Committee Report which last year sat on this question of retrenchment, they have said a good deal about salaries in Bombay Presidency.

Sir P. Pattani.

A355. You said that in ten years probably by the income from the Barrage you might be able to meet all your financial obligations?—Yes. It can be safely anticipated.

A356. Because of the Barrage income from the Barrage irrigation scheme and by the sale of land, you might be able to balance your financial budget without making any subvention?—I am quite hopeful about that, and the results so far have proved that. I have stated the figures just now about the cultivation and land sales.

A357. Have you ever known any Chancellor of the Exchequer even being able to keep the annual figures of his budget?—No; it is more or less a forecast.

A358. But how can you prophesy any results from now?—You have got to go on a certain basis and on certain calculations. The budgets themselves are the matter of certain calculations. They may sometimes go wrong, but that does not mean that they must always go wrong. The calculations may be better off or worse off.

Lord Eustace Percy.

A359. May I just interpose a question here on Finance? Mr. Brayne's rough calculation was that the basic deficit would be covered by the available Barrage surplus from 1944-45 onwards. That is so, is it not?—Yes.

A360. But he specially said that that did not take into account the question of expansion or development expenditure. He said. "It will be seen that no allowance has been made for normal growth of expenditure on revenue under non-Barrage heads or for the considerable expenditure which must be incurred upon communications, agricultural and other beneficent services if Sind is to reap the full advantage of her resources in the new era of development upon which she has entered." The question I want to put to you is this. Is the development expenditure there referred to, which has not been allowed for, the expenditure which appears in the Expert Miles-Irving Committee's Report, on page 28, as net cost of expansion which is calculated, in 1944-45, to amount to 23 lakhs, and to rise, after that, to as much as 35 lakhs?—The point is this, that the Expert Committee took into consideration all the paper programmes made by the Bombay Government. I would like you to turn to page 18 of the same Report of the Expert Committee. If you would permit me to examine those figures and the items which appear in the Table on page 18, I would show you how difficult it will be to believe that most of them will ever be carried out.

A361. I did not want to go into a detailed examination of these figures, because they are more or less hypothetical?—Yes.

A362. But I gather that your position is that this development expenditure, this cost of expansion estimated for by the Expert Committee, is excessive?—Yes, exactly.

A363. And, therefore, should not be held to invalidate Mr. Brayne's basic estimate that Sind can be self-supporting by 1944-45?—Yes. I want to explain it in one word. The Expert Committee have been guided entirely by the paper programme, whereas Mr. Brayne has been rather more practical in that respect. He has expressed the opinion in his Report that all the normal growth of expenditure should be met from the extraordinary room that the Province has for retrenchment and so many other taxations which have been suggested. All these sources will be found adequate to meet the growth of expenditure. Your Committee, for instance, recommended the tobacco tax which the Bombay Government have already imposed, with our support.

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Sir P. Pattani.

A364. If a subvention is granted, would you accept submission of your budget to the Central Government so that they can realise what sort of subvention is really justified?—I think the Central Government will have the Governor as their Agent. He will be quite able to look after their interests.

A365. You will not have any interference from the Central Government which is really helping you by a subvention such as you have asked for?—Yes; but I think I should not express an opinion on that point one way or the other. I would maintain that the province under the guidance of the Governor will be able to take care of itself.

A366. Now when Sind is able, after ten years, to meet its financial responsibilities, supposing the principle is accepted that Sind, from considerations other than finance, should have a claim to separation, but because of the financial difficulties it is decided that it should wait for ten years, when finances are adjusted properly, would you mind that?—Certainly, I should mind that I strongly oppose that view for two very sound reasons. One is that after the enquiry into the finances the Government of Bombay have definitely known that Sind is to receive a sort of subvention from them of about 80 lakhs a year which, naturally, the Government of Bombay will resent. My information is that originally in their Memorandum to the Simon Commission they objected to the separation of Sind, but subsequently they have waived their objection; and, secondly, but why should Sind be made to have that money from Bombay instead of the Government of India, because Bombay even otherwise will have a deficit of a crore and a half, and there is no conceivable method or reason whereby they can make up that deficit. They have already done their utmost so far as retrenchment goes. I think I will give the opinion of the Finance-Secretary of the Bombay Government when he submitted his Note to your committee, my Lord Chairman, when you were touring in India. He said that Bombay will find it very difficult to balance their budget unless they get something from the Government of India for expenditure; and there was a special resolution passed unanimously last year in the Bombay Council when a demand for funds from the Central Government was made in excess of what even the

Percy Committee recommended for Bombay. So that I really do not think that is the true position.

A367. Your analogy of the income tax does not hold good, because the income tax is a direct tax?—I do not say income tax at all. I say any subvention from the Central Government, in whatever form.

A368. If the subvention to the Bombay Government from the Central Government is necessitated because the Central Government is pocketing all the income tax, which is a direct tax on its own people, so any amount which might go to that Government is not a subvention, but really their own money re-transferred to them on a certain percentage. Therefore, I do not think your analogy holds good?—That is a mere difference of opinion between us. You might call that own money of the Government of Bombay. I might call certain other taxation as own money of the Government of Sind.

Major Attlee.

A369. The cost of administration in Bombay is higher than that of most other Provinces in India, is it not?—Yes, exactly.

A370. Is it your case that Sind should have a standard of administration more on a level with those of other Provinces than that of Bombay?—Yes, but I may add one point, which is that the administration of Bombay becomes costlier when you include Sind with it. If you separate Sind from it, it becomes slightly cheaper. I will mention two figures: The Administration of Police, for instance, if you include Sind, it becomes as high as Rs. 1-1-0 per head, but for Bombay and Sind together, it becomes only 14 annas per head. The chief reason for that is that in Sind the Government of Bombay have got into the habit of paying special allowances; that is, I mean a special allowance is being paid to officers who come to Sind, and even salary paid in Sind is higher than in Bombay Presidency proper.

A371. Do you contend that, if necessary, you are prepared to pay a price for your separation by accepting a somewhat lower standard than that which they have in Bombay—that is to say, a less provision for universities, and so forth, and lower salaries?—My point is, if you were to take into consideration as a basis the Brayne Conference Report, and the calculations therein, the administration that we will in that case get is almost identical

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to what it is at present in Bombay, with the exception of what you call the University of Bombay, or some such minor things. But, it may also be added, that the Brayne Conference and the Expert Committee both have fully dealt with this question of having separate heads for all Departments, and they have provided extra emoluments for the heads. Almost every Department in Sind has a separate head. The Commissioner of Sind is the head of the Revenue, Excise and the Police, he exercises all powers of Inspector-General, Police, and has a power of supervision and control in almost all Departments. Sir P. Pattani said that there should be the Science institution and Medical institution, and so forth, which really does not in any way enhance the reputation or improve the administration of Sind, for all practical purposes

Sir P. Pattani.

A372. My point is quite a short one. My point is that you claim, do you not, that it is not necessary that Sind should have all these things?—Yes. I have just said that all these things that Sind must have, have already been provided in the scheme propounded by the Brayne Conference. I think I can safely say that Sind can afford to do without those things which Sind will not have, to start with.

A373. The next point is, you would agree, would you not, that the future of Sind depends upon the Barrage?—Yes, very largely.

A374. Would you say, therefore, that a judgment on the Finance of Sind must be a judgment over a number of years as Sind is in process of development?—In the future, you mean?

A375. If you want to judge the finances of Sind, Sind is in the position of an undeveloped property which has had a large amount of capital put into it, and you will not get a full return for some time, will you?—Yes, for about 10 years, it has been calculated. After about six years or so, there will be some return and gradually it will rise till in about 1944-45 we shall not stand in need of any outside help.

A376. Would you claim, therefore, that the question whether Sind can stand financially by itself should not be judged on whether it can do it this year or next year or in a year or two, but taken over a period of years?—Sind will ultimately stand on its own footing, after 10 or 12 years.

A377. I was asking you whether you would claim as has been suggested, that Sind should not be separated until she is actually financially sound? Would you say you must take that considering a period of development over a number of years, that if in the future she can become financially self-contained, that, therefore, she has a right to separation?—No. As a representative of the Conference, which, as I said, speaks for at least 80 per cent. of the people, I have to voice their feelings, that we are strongly of this opinion, that Sind must separate immediately, and for that I have given adequate reasons in my original Memorandum, and also for the temporary financial help Sind has to get help from the Government of India for 10 years or 15 years at the most.

A378. Now would you be prepared to accept any special safeguards for the Barrage administration? The whole financial future depends upon that Barrage scheme being properly run, and there being proper payments made for the water provided. Do you agree?—Yes, largely. But I do not see how you can bring in the safeguards.

A379. If, as a matter of fact, that scheme is not wrong, and if the water is not properly distributed, your finances fall to bits?—To a large extent, it does depend upon the proper distribution of water.

A380. You will also agree that the representation in the Sind Council will be largely by people who are elected by agriculturalists who will naturally desire to get their water as cheaply as possible, will they not?—I am afraid, no, because the thing is that the distribution of water is quite a separate thing. It is in the hands of the administration, which is a well organised administration; they have a Chief Engineer at the head of it, and he is a man of Imperial Service. He also has men of Imperial Service directly recruited by the Secretary of State for India as the Superintending Engineers. Then there is a definite scheme. They have got to give water in accordance to that scheme. The duty has been already assigned for all crops, which has been approved by Government; and there could be no variations or alterations in that scheme.

A381. Why not? Suppose that is transferred, and comes under a Minister, you do not think there is any danger of pressure being put upon a Minister by his constituents?—I, personally, feel it



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[Continued.]

will not be so. The White Paper besides says the Governor will have supervisory powers, and the supervisory powers of the Governor in that case will be quite enough.

A382. You do not think there is any need for any special powers?—No; the supervisory powers of the Governor in that case are enough.

Lord Eustace Percy.

A383. May I clear up that point? Do you mean that you accept the proposals in the White Paper that the Sukkur Barrage should be a special responsibility of the Governor of Sind?—No; a special responsibility is a very wide word. As a matter of fact, I have no apprehension whatever about the administration of the Sukkur Barrage; and I maintain there will be no difficulty whatever about it. Besides, we do not think that anybody in Sind or anywhere means to do away with such a competent establishment and to institute in its place an incompetent or an inefficient establishment. It is not a practical proposition. But if it is feared at all that the Governor who has the special power of supervising will be misled by the Ministry, that apprehension I am afraid is groundless.

Sir Reginald Craddock.

A384. Khan Bahadur Khuho, you mentioned that you collected at Karachi, I forget the exact figure you said, a certain amount of Customs. You mentioned the figure, did you not?—Yes.

A385. How much was that?—I said it was 6 crores. Of course, it has been now somewhat affected by the present depression. That is according to the figures that I got from the Customs Department themselves.

A386. But as a matter of fact, the Customs collected at Karachi are not confined to the articles consumed in Sind?—No.

A387. All that is not paid by the consumers in Sind?—Exactly. I only said as a general proposition that in the Government of India Act it is provided that all the Revenues vest in His Majesty's Government. There are different kinds of taxations. You call it Customs Duty, Income Tax, Land Revenue, and all that, and they are assigned to the Central Government and some to the Provincial Governments. I said what has been collected in Sind, has been collected within the province of Sind.

A388. That has rather neutralised the effect of a Province receiving the subvention, as a matter of fact. All the Maritime Provinces in India collect Customs which are really paid by people inland, who consume a large part of it?—Quite true. But Punjab and U.P. or C.P. do not pay as much to the central revenues. We have the advantage of Karachi port.

A389. Then to go to another matter, you referred to Sind administration being very expensive?—Yes.

A390. You said that that was due to somewhat higher salaries, and you instanced school teachers?—Yes.

A391. I presume that when the Bombay Government sanctioned these higher salaries in Sind, it was because the cost of living in Sind was at that time, at all events, higher than the cost of living in the Presidency generally?—I do not agree, but the cost of living in Sind now, I think, is hardly as much as it was in 1913.

Lord Eustace Percy.

A392. Surely, there is a misunderstanding here. The school teachers' salaries of 20 rupees a month was the general rate for the whole of the Bombay Presidency, was it not?—Yes, but in Sind they get Rs 5 p.m. over and above that pay.

A393. It is not, in fact, higher than in the Bombay Presidency?—As a matter of fact, I want to point out that in Sind each teacher gets 5 rupees extra, because of Sind conditions.

A394. You mentioned the figure of 20 rupees, which happens to be the salary of a school teacher in the Bombay Presidency generally?—Yes, but in Sind it is 5 rupees higher.

Dr. Shafa 'at Ahmad Khan.

A395. It does not include the Sind allowance?—Yes. Those in Sind get enhanced pay in all departments.

Sir Reginald Craddock.

A396. Are all the teachers local men?—Yes, local men.

A397. They are all local men born and bred in Sind?—Yes.

A398. That is to say, the higher salaries or the Sind allowances are not really due to the unwillingness of people from Bombay to go and serve in Sind, but they are due to expenses, the cost of living in Sind having been in other times higher?—I do not accept that principle, that the cost of living is higher. I accept that those people



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belong to Sind, but it is the creation of the Government of Bombay that gave them these allowances and higher pay. I will give you an example; in 1924, when I was in the Bombay Council, the question of salaries of tapidars came up. It is the village establishment in Revenue Department; Sind Members very strongly opposed that they should not be given higher salaries than what they were getting. But still the Bombay Government carried it in spite of their opposition. What could you do with such kind of things?

Sir P. Pattani.

A399. May I ask a question. If you had reductions there, possible to be made after Sind becomes autonomous, you think that the Ministry, as soon as it is formed there, should go into these questions of readjustment and reductions of expenditure, so that the amount of the subvention from the Central Government may be reduced?—I do not say that they will necessarily do it immediately. The position is that at present the Brayne Committee has not taken into consideration these savings at all. That does not affect, therefore, this present scheme laid down therein. They will have time enough to do it, later on.

Dr. Shafa'at Ahmad Khan.

A400. Your object is not to establish extremely cheap and inefficient administration but to keep up the standard?—Yes.

Sir Reginald Craddock.

A401. Then you mentioned that the cost of Police was higher in Sind per head?—Yes.

A402. Of course, if you have a large area and a proportionately small population, all those per capita calculations will be higher. I mean, your area is relatively larger than your population compared with other parts of India?—Yes, to some extent, that is right. But if you consider the number of policemen and the entire staff, it is much larger than even in the Bombay Presidency.

A403 But is it not a fact that your records of crime are greater than in most parts of India?—No, it is only on the hillsides or the borders; but Sind is certainly not more criminal than other provinces.

A404. We have had in other evidence that there are a great many dacoities in Sind, and kidnapping of women was prevalent, and on the whole your record

as a law breaking Province is rather bad?—I would like to inform the Committee that this is the kind of false propaganda which is being carried on, in order to thwart the legitimate efforts of getting Sind separated.

A405. But those are facts, they can be tested on the criminal statistics?—No. It has been said that there is a lot of communal feelings and dacoities and abductions of women and things of that kind, but the fact is that Sind has been the most peaceful Province, as I can claim, in the whole of India. If you were to see the history of 90 years of her connection with the British Rule, there have only been three instances of communal riots. They too clearly show up the Hindu frame of mind in Sind. While quoting the specific instance of Larkana riot I would refer to what the impartial English Judge says about it. The learned Judge, Mr. Norman, says that the Magistrate who took the initiative in arresting innocent people and the Public Prosecutor who conducted those cases have shown communal bias in this respect and have wrongly involved innocent people. In the case of Sukkur riots, 95 per cent. or more cases were withdrawn by the Government themselves, they being false.

A406. But, if under existing circumstances, there was communal bias in favour of the Hindus, under the new Government may there not be communal bias in favour of Muslims—at least that is what the Hindus are afraid of?—No, I feel it will not be so because there will be responsible government of the people themselves, and they shall have to work together.

A407. You have a very large majority of Muhammadans in Sind, therefore, the great majority of the Members of the Councils will be Muhammadans, and that is what the Hindus are afraid of. Would you object to weightage being given to the Hindus, and their getting a larger proportion of seats than they would have under their numerical standard?—The Premier Award has given them the extra representation, and they will be getting about 33 per cent. The Premier's Award is a very reasonable scheme, and everyone in Sind, whose feelings I voice here, sticks to the Communal Award. Why should there be any particular community objecting to it? There are other minorities in Sind and there are minorities in other Provinces too, but none of them object to the communal award—why should Sind Hindus object?

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[Continued.]

A408. Why are the Hindus apparently so frightened?—I say this is all false propaganda, deliberately carried on to oppose separation of Sind. They do not seriously mean what they say.

Sir Hari Singh Gour.

A409. You complain of the neglect of Sind by the Bombay Presidency, is that not so?—By the Bombay Government, you mean?

A410. In the second paragraph on the second page of your Memorandum, you say: "Our ninety years' experience of Sind's connection with Bombay has shown us that the latter has neglected our economic and social development and has checked the growth of Karachi port which possesses vast potentialities for development, being the nearest port to the West. Our roads and communications are in an extremely undeveloped condition. Our nation-building Departments are starving. Education is at its lowest ebb." This is the essence of your complaint against the Bombay Government which you wish to redress by separation?—Yes.

A411. What would be the cost of improving the condition of Sind in the next 10 years?—The question is of choosing which is the lesser evil.

A412. Have you calculated the cost of these improvements which have been denied to you by the Bombay Government and of which you complain and which have prompted you to ask for separation?—I give you general instance that if you were to take the case of roads, for the last 85 years, the Government of Bombay have only given us 130 miles of provincial roads, and how can you expect that the same Government will ever spend 1 crore and 35 lakhs on the roads which they show in their paper programme.

A413. I admit all that, for the sake of argument, but the question I asked you is, what will be the cost of developing Sind to make up the very heavy leeway that you have to make up in consequence of the neglect of your Province by the Bombay Government?—There is no question of calculating cost on that point. What I would say is that Sind, having its own Government, will be able to devote more attention to the problems of Sind and whatever money they will be able to save they will be devoting to the Province itself. The Bombay Government will not do that. We have to go by past history in their case. Besides there could be no guarantee that Bombay will ever worry about Sind conditions.

A414. According to the Brayne Report, 75 lakhs of rupees are required every year for the next 10 years, and in 1944-45, if the calculations are right, and do not go wrong, which they very often do, then you will be a self-sufficient Province?—By 1944-45. Yes, I expect so.

A415. But suppose if they all go wrong, then do you admit that after 1944 the Province will have to be re-amalgamated with Bombay Presidency?—No. It is a hypothetical case; I cannot answer it. Why should it at all be presumed like that?

A416. Therefore, you are landed in a very difficult position?—I do not think you have sufficient reasons to assume that.

A417. We are launching into a scheme banking upon an uncertainty with no chance whatever of retrieving the position in case the worst happens, and our anticipations do not come true. Is that not so?—No; if I may say so, you are holding a pessimistic view, which is not in the least justified.

A418. No, I am not; I am only looking into the future?—If you were to be guided by these principles which are hopelessly pessimistic, there would be no progress in the world; no scheme would be launched, nothing would be done. You should remember that the whole Barrage scheme was based on calculations. All big schemes are always launched, basing them on certain figures of income and expenditure. The Government of India gave nearly 20 crores for the Barrage scheme which they fairly anticipated would bring out good results. If they were such pessimistic people, they would not have agreed to give 20 crores. Then there would have been no Barrage scheme and no development in Sind, or as a matter of fact on that basis there will be no progress made anywhere in the world. We will permanently be where we are and no further. Will it not be so?

A419. The next point I wish to ask you is: It has been admitted by you that the future of Sind lies on the Barrage?—Yes, to a great extent.

A420. Sir Charlton Harrison, in his evidence before the Simon Commission, and later on, has stated, and it is a fact which cannot be denied, that the water which flows through the Barrage is limited, would you agree that that is so now?—Certainly not. Things have changed since then. You are referring

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to what he said in 1928, but perhaps you do not know the later conditions. The Barrage has, of course, a limited quantity according to the Scheme. The Government of Punjab wanted to launch certain schemes. On this point dispute arose between the two Provinces, and the Government of India as a deciding party invited them to send representatives, and the Government of India decided that for the future the Government of Punjab will not have more water drawn from the River.

A421. The Government of India have held that the Punjab Irrigation Scheme must be held up, because if their Irrigation Scheme was to continue *pari passu* with the Barrage Scheme, both will suffer?—They have been held up *sine die*, and if you mean to say that by separation of Sind, Sind will be in an inferior position, I do not hold that view at all.

A422. What I mean to say you will hear presently, but at the present moment what I do say is that there is a limited quantity of water, and there are two Claimants, the Punjab and Sind, or rather Bombay?—Yes.

A423. Influenced by the powerful advocacy of the Bombay Government, the Government of India have overruled the contention of Punjab?—Yes, but I do not agree with the view that that is because of the power of advocacy.

A424. Never mind; that may not be the proximate cause. The Government of India have at the present moment decided that Punjab must hold its hand, because that would imperil the success of the Barrage Scheme?—Yes.

A425. Now Punjab is going to get autonomy, and you cannot stay the hand of Punjab?—No.

A426. And you want autonomy?—Yes.

A427. And now there will be a hand-to-hand fight between you and Punjab for the water?—Why should there be? I cannot see the point at all, because if there is dispute between the two Provinces, naturally the Government of India, or the Governor-General in his discretion, will have power to decide which is right. I maintain that the question has been finally settled between the Government of Bombay and the Government of Punjab by arbitration at the hands of the Government of India. The whole frame is laid down, and the Scheme settled; so that with regard to Sir Hari Singh Gour's suspicion that there will be a hand-to-hand fight, may I say I do not apprehend anything of the kind.

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Any question between the two Provinces must be settled by the Government of India. It is not a question of a hand-to-hand fight.

A428. I was using that in a figurative sense; you did not understand me; but let that pass. The fact remains that there are two Claimants to a limited supply of water, which at the present moment flows through the Barrage, and the other claim has not yet been satisfied and may be insisted on in the near future?—I do not hold that view, and I repeat that this question has already been settled.

A429. In which case the future of the Barrage would be very seriously affected?—No, I certainly disagree with that view.

Lord Eustace Percy.

A430. May I interpose one supplemental question here? Do I understand that your position is this, that if there is no provision under the White Paper which would enable the Governor-General in his discretion to settle the dispute as to the diversion of water between the two Provinces, you think that a provision should be inserted in the White Paper giving the Governor-General that power?—Yes. I think, if I remember rightly, there is something like that in the White Paper.

A431. We need not trouble about that at the moment, at any rate, that is what you desire?—That is what I desire.

Sir Hari Singh Gour.

A432. In the introduction to the memorandum you have said that this is a genuine grievance, not only of the people of Sind, but of the people of India in general, with whom the former are closely bound up. What evidence have you that this is a grievance of the people of India generally that Sind is not converted into a separate Province?—I would refer you to the three Indian Round Table Conferences in which this question was discussed, and agreed to and was also finally decided by the Government. Therefore, it is a matter that affects not only the people of Sind but the representatives of India as a whole, to whom the pledge was given, and through them the people of Sind.

A433. That is what you mean by this sentence?—Yes.

A434. Now will you kindly turn to another sentence which I have not been able to understand at page 5. You say about the middle of the page: "For all practical purposes Sind is already a self-contained Province"?—Yes, administratively. I would like to amplify that.

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[Continued.]

A435. That is the reason why I have read it to you?—Yes, quite right. My point there is that much is being made by the Anti-Separationist Group that Sind will need this and will need that. What I mean is that Sind at present is governed in such a manner by Bombay that, largely due to the distance between the seat of Government and the Province, almost every important department of Sind has its head in Sind, and the nominal head of the Government at Bombay is merely guided by the advice of the man on the spot.

A436. That is what you mean by saying that for all practical purposes Sind is already a self-contained Province?—Self-contained administratively.

A437. Then what is your grievance? Supposing by a financial adjustment between the Bombay Presidency and Sind, Sind is made a sort of Sub-Province with a Deputy-Governor, would you not be satisfied?—I do not know that it can rightly be made a Sub-Province by having a Deputy-Governor. Perhaps you mean a difference of name?

A438. No; it is made a Sub-Province for the purpose of stamping upon it its own individuality under the Presidency of Bombay?—Do not you see that the Governor will have the elected representatives and the Legislative Council to advise him, and there will be responsibility on the elected representatives of the people as well. Why should Sind have an inferior position where the elected people should have no voice at all in the administration?

A439. It has got an inferior position because it has got no money. Poor people always have an inferior position. You have said that this is a joint family in which Sind should receive money from the rest of India?—That is the principle which is accepted by the expert Committees, for instance the Percy Conference and the Brayne Conference.

Lord Eustace Percy.

A440. Let me intervene. I notice that you have quoted the Percy Committee, but I do not recognise the quotation, and I cannot find it in my Report?—At page 22.

A441. I am referring to the bottom of page 17 of your Memorandum. I do not want to delay the proceedings; I just wanted to put in a caveat that I do not recognise my child?—These are not the exact words I have reproduced; I have only reproduced the sense of the recommendations.

Lord Eustace Percy.] Well, they are in inverted commas.

Sir Hari Singh Gour.

A442. You have said on page 19 in paragraph 3: "There can be really no deficit Province as long as a whole joint family, i.e. India, is financially sound," but where the parent itself is financially in deficit, what are you going to do?—It is an altogether different issue. I should say that that is what the Miles-Irving Committee themselves have maintained.

A443. Are you aware that the Central Government is in financial straits and has been in financial straits for the last 13 years?—Every branch of the Government.

A444. And where is the money to come from?—Well, that has already been gone into and there is a recommendation from the Federal Finance Committee supporting the view held by us.

Sir P. Pattani.

A445. That might mean that new taxation may have to be imposed by the Central Government in order to meet these demands for subvention from all these Provinces?—Yes.

A446. In that event, do not you think that if they impose more taxes Sind and all the deficit Provinces will have in a certain measure to contribute towards those taxes?—The Percy Committee have recommended that if need arises there should be other taxes, for instance, a tax on matches. There have been proposals made by which, if the Government of India want to find money, they could find it. Taxation of matches alone will give them two or three crores of rupees, if I remember rightly, and the Provinces of Sind and the North-West Frontier will not need more than about one crore and a half.

A447. Money will have to be found, but the deficit Province will also have to contribute to finding that money?—The deficit Province has already accepted the tobacco tax and it does not matter much if it contributed a bit by way of duty on matches, which is an indirect tax.

Dr. Shafa'at Ahmad Khan.

A448. In reply to a question of Sir P. Pattani regarding the deficit Provinces—not just now but before—may I refer you to the recommendation of the Third Round Table Conference Federal Finance Committee, paragraph 12, page 52? This is what they say: "We propose accordingly that any proved cases of deficit Provinces should be met by subvention

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from the Centre on certain conditions ” ”  
—Yes.

A449. Further on you will find that they have added. “It is important that the position should be final, as periodic revision could not fail to react on constitutional independence and financial responsibility ”?—Certainly.

A450. While they agreed, therefore, to subvention being paid from the Centre, they also laid it down quite clearly that there should be no impinging of financial autonomy. Therefore, you do not really think that if you get subvention from the Centre according to these proposals, which really are embodied in the White Paper, your autonomy will be affected?—No. Constitutionally it should be limited to that?—

A451. Yes?—Yes; quite right.

A452. And you want the subvention to be incorporated in the constitution itself?—Yes, in the Act of Parliament.

A453. As according to the Report, if it comes up for periodic revision there is a liability of your autonomy being affected?—Certainly.

A454. Your second point was with regard to the standard of administration?—Yes.

A455. Am I right in assuming that you are as eager as anybody else for getting a proper level of efficiency of administration in Sind?—Yes.

A456. And that you are not going to have an inefficient administration solely and simply because you want an independent Sind?—Certainly. We do not want an inferior or incompetent administration.

A457. And therefore any readjustment of service that may be undertaken by the Minister in future must keep in view the basic principle of administrative efficiency in Sind?—Yes.

A458. And such schemes will not allow Sind to fall if not below the level of Bombay, which is the highest standard in the whole of India—at least of other Provinces of India?—Quite right.

A459. My point is this, that no saving should be effected at the cost of efficiency of administration?—Yes, of course.

A460. And you demand separation of Sind distinctly on this condition?—Yes. I have figures to show that Bombay has the highest and most expensive administration, but it cannot be said that Bengal and the Punjab are inefficient or incompetent in administration; they are equally good.

A461. Then another point was raised. May I draw your attention to the fact

that there are certain arrangements in Provinces such as the Punjab and United Provinces whereby a certain number of students of the Punjab were annually admitted to the Engineering College at Roorkee which agreed to take at least 40 students every year, because the Punjab Government itself could not make financial arrangements for their own College, so that these arrangements regarding the universities and other institutions which are highly specialised are not only possible but probable?—Yes, exactly. I will give you an instance. The Director General of Police in Sind was talking to me, and he said “It will be cheaper for Sind for their police training to go to the Government of Punjab because they will be able to do it at less cost than Bombay is doing it now”. Bombay training is more expensive than Punjab, but Punjab is no less efficient.

A462. I can give you an example in my district of the training of probationers for the Political Department where you get students from all parts of India.

Lord Eustace Percy.] Are we to have a discussion here as to the degree as to which there is really interchangeability of Provinces in university education.

Dr. Shafa'at Ahmad Khan.] No, my point is this; that it is possible even if a Province does not make arrangements for them to get the benefit of university education in other Provinces.

Lord Eustace Percy.] You remember that Behar and Orissa tried to do that with the Universities of Bengal and did not succeed, and had to establish universities of their own

Sir Hari Singh Gour.] Even the small Province of Delhi had to establish a university of its own because Punjab would not give facilities.

Lord Eustace Percy.] We had better not carry this discussion further.

Sir P. Pattani.] I have never said it is not possible to come to some arrangement with the Province, but I must say this, that what is possible under a Central Government may not be possible when each Province claims to be a separate autonomous Province.

Dr. Shafa'at Ahmad Khan.] May I reply that we advocated inter-provincial councils for many years for co-ordinate education, agriculture and other transferred departments, and I do not see any reason why with the advent of provincial autonomy we should not have provincial

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intercourse and co-operation more intimate and still more effective.

Sir P. Pattani ] It may be possible but it is also possible and probable that it may not be acceptable to the Provinces.

Dr. Shafa'at Ahmad Khan.

A463. I think all these questions were very thoroughly considered by Brayne's Committee, I went through its proceedings last year?—They were considered both by the Brayne Conference and the Miles-Irving Conference.

A464. There was one point put by my Lord Chairman with regard to the actual amount needed for the separation of Sind over and above the basic deficit of 80 lakhs. Am I right in assuming that the Miles-Irving Committee estimated that amount after considering the need of Sind at pages 46 to 82 at 11½ lakhs and that Brayne's Committee practically upheld that, adding only half a lakh, so the basic amount needed is 12 lakhs, and that I suppose will be met by the cess which the Zamindars of Sind have agreed to levy to pay off this amount?—Yes; all the extra cost is to be borne by taxation.

A465. So the net deficit will be 80 lakhs?—Yes; that is the amount estimated.

A466. And it will not be really 92 lakhs at all?—No, not at all, because they debit on one side and do not give credit on the other side.

A467. Now I come to the Sukkur Barrage. Last year we came to a compromise regarding the Sukkur Barrage that the Governor of Sind should have special power with regard to administration of Sukkur Barrage. I stand by that because I feel it is essential. What is your opinion with regard to that provision?—I have said that there will not be much need for it.

A468. But if there is need?—The supernumerary powers provide for that.

A469. You mean that the Governor would exercise supervision in emergencies?—That would be natural, but he cannot manage without the constitutional Government. The only thing is that the appointment of the Chief Engineer will be made by the Government itself, so that he will have the assistance of the Chief Engineer in times of crisis, when and where it is considered necessary, thus the efficiency of the administration is not going to be seriously affected.

A470. Of course the detailed arrangements and the detailed rules and regula-

tions which may be framed by the Governor in consultation with the Minister will have to be discussed later on, the Minister on the one hand and the Governor on the other?—Yes

A471. If a satisfactory compromise is arrived at between the Governor on the one hand and the Minister on the other regarding the spheres of men's influence over the administration of Sukkur Barrage, then you will have no objection at all to it?—In those cases where he thinks there is need to interfere the Governor will interfere.

A472. Therefore, there will be really no difficulty in keeping the administration of the Sukkur Barrage up to the mark and keep at a very high level of efficiency, if these are actually accepted?—I maintain that the administration will not be affected. I do not think any Government or Ministry will be so foolish as to ruin the efficiency of the administration and thereby affect the finances of the Province; they will not do it in self-interest.

A473. No Minister would really ever try to interfere in the day-to-day administration of the Sukkur Barrage?—Certainly not; he would resign rather than do it, because the consequences, if he has got any political career to look to, would be very serious.

A474. So that for all practical purposes the Sukkur Barrage will be practically autonomous, though the line of policy must be indicated by the Minister?—Yes. Of course, I do not associate myself with the view that there should be interference with the Ministry by the Governor. If in any case there is genuine ground to feel that the efficiency is going to be affected, of course, the Governor can intervene, but ordinarily I do not think the Ministry will discharge their responsibility in such an inefficient manner, that they will ruin the administration of the Sukkur Barrage.

A475. And even if they do, it is highly probable that the Governor will come down on the Minister?—Yes.

A476. Do not you think that the Sukkur Barrage scheme is based on the probability of a certain amount of success, if it is well executed and conceived?—Generally, of course. In all the schemes that are launched, you first and foremost make your calculations properly, and they are thoroughly examined. In the case of the Barrage, that went on being



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thoroughly examined since 1907. The idea was mooted then and subsequently again in 1913 and 1914, when the Secretary of State turned it down. Then it was prepared by the Government of Bombay in 1920-21 and it was thoroughly examined by the experts of the Government of India, and experts here in London under the direction of the Secretary of State for India, and in 1923 it was finally passed by the Legislative Council, and it was fully discussed; and thus it was examined previously by the experts in Bombay of the Government of India and here.

A477. My point is simply this: you will agree with me that generally on the lines of policy indicated in the Sukkur Barrage Scheme, the hopes have been realised so far?—Yes, of course, so far.

A478. And there is no reason why in the course of time Sind should not become practically financially a self-supporting Province?—I have every hope of that, and I have no reason to feel otherwise.

A479. There are some objections raised by various bodies that the demand for a separation of Sind is recent in origin, that only dates back to about 1927, or something like that?—Certainly not. I said just now in my opening remarks, that as early as 1913 it was being considered. The late President of the Congress Mr. Burgir and Mr. Harchandrai Vishindas were working hand in hand in this matter, at the time of the Montagu-Chelmsford Reform. In 1918 again the Congress had a Session, and they appointed a Sub-Committee to go into this question. That Sub-Committee consisted of no less than five Hindus, and they unanimously recommended that Sind should be immediately separated. That was in 1918, and that original Report was secured by me, and I had it circulated.

A480. When?—Last year. I got it republished last year for the intelligence of the members, for reminding them of what was done by the Congress. Again in 1927 it was reiterated by the Congress, and later the All Parties Conference at Lucknow accepted the principle of separation.

Sir P. Pattani.

A481. I think in 1918 an essential condition was attached to the recommendation that finance should be found by Sind? Was it conditional or was it unconditional?—I beg your pardon. In

1918 when they appointed a Sub-Committee in Karachi, they recommended that Sind should be separated, irrespective of any condition; no condition whatever was attached.

A482. But you are now attaching the condition of subvention. That means that Sind should be self-supporting?—No; they have not said that. I was saying that in 1918 they never said that.

Sir P. Pattani.] Let me tell you this, that I am not against the separation of Sind. I say that no communal consideration, nor even consideration of administrative efficiency should come in the way of self-determination of any Province of India, but I should certainly wish that autonomy and financial responsibility should go together; that is all.

Dr. Shafa' at Ahmad Khan.

A483. Is there any truth in the statement that this demand is a mere matter of politics?—No. It has its origin in the Province of Sind itself, and all the leading people in Sind Province are in favour of it strongly.

A484. What is the state of communication now between Sind and Bombay; is it very difficult?—It is as bad as ever. From the Sukkur District, where the Sukkur Barrage is, the most important place of Sind, it would take 60 hours to reach Bombay and even more to reach Poona.

A485. Do the members of the Cabinet ever visit Sind at all?—No. We have Ministers who have been in office for three years and have never seen Sind once; there are common instances of that kind.

A486. And does the Legislative Council take a very active interest?—So far as the Legislative Council goes the members do not understand at all the Sindhi problem; they are absolutely ignorant of the conditions. They do not know about irrigation; they do not know about land condition; they do not know anything about the other administrative conditions at all.

A487. Do you think that the Muslims of Sind will be able to run the administration effectively without the help of the Hindu community?—The Hindus, of course, will have a share in the administration. They are 33 per cent, represented on the Legislative Council.

A488. And the Cabinet also?—And the Cabinet.

A489. Can you conceive the possibility of a Cabinet of Sind being constituted in which there is not a Hindu member?



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—It is impossible, I consider. There is bound to be a Hindu Minister.

A490. And you think that the parties in Sind will be based mainly upon non-Communal principles?—Yes; I think there will be no Communal Party. Even now in Bombay you have several Parties; you have the Backward and Depressed Classes and you have the Advanced Classes; there are three or four Parties in Bombay.

A491. Was Sind a deficit Province prior to 1919?—No. As a matter of fact I have reported this also, that for five years between 1910 and 1915, for which we had the figures in the Legislative Council, Sind was a surplus Province. The position was that actually the deficit came later on after 1916-17, because at that time the War was terminating, and there had been special allowances for our officials and administration became costly, because everything was dear. Immediately after the War those allowances were amalgamated with the salary, and the salary suddenly increased to an enormous proportion at the time when the reforms were introduced, and since that time the administration has become more costly in that respect.

A492. I gathered from a reply that you gave to another Member that you accept the Brayne Report generally?—Yes

A493. And that if Sind is separated on the conditions indicated there, there is no reason why Sind should not take her place side by side with other Provinces on the same footing?—Oh, yes.

A494. Do you think that after responsible Government had been established in Sind there would become Communal Parties in Sind?—There is less chance of that there than there is now.

A495. Why?—One thing is the responsibility, chiefly. People will have a responsibility of their own, and they will run on more economic lines, and the Communal considerations will not have any important part to play, because the Ministry will have to carry the goodwill of both communities and will need their support.

A496. Do you think it is possible for any Government in Sind to succeed even for 24 hours if the Hindu community is unanimously opposed to it?—The Hindu minority in Sind is a very powerful minority, although it may be 24 per cent. of the population. The thing is that they are a well organised community in the first place, well educated and well to do. They have such good

qualifications that they are a community which could not be ignored in any respect, and they will have a very important part to play in the Province. They will have a substantial share in the Legislation and in the Government. It is impossible that you can ignore an important minority of that kind.

Mr. Davidson.

A497. I would like to ask two questions. On page 4 one of the claims you make with regard to the separation of Sind is that the Port of Karachi will be considerably developed and that with a fast train service to Cawnpore and Delhi the whole business of Northern and Central India will be captured?—Yes.

A498. Would it be fair to say that not unnaturally Bombay has been inclined not to look very favourably on any very big development in Karachi?—Yes, that is true. Karachi Port is much nearer to Europe; it will be at least 36 hours nearer by steamer, and in the ordinary course of circumstances, if Sind had its own Government you would have seen all this European connection, steamers and business connections and all that, first with Karachi and then with Bombay. Even up to now we have not got any direct or fast train service with Northern India. From Northern Punjab they are attempting to send a lot of agricultural products even so far as Calcutta and Bombay because it saves time and money, having better facilities to those parts of India than to Karachi, although, it may be nearer in distance and because it would be cheaper for them.

A499. The other question is in connection with the Sukkur Barrage scheme; that scheme of course is a scheme of development?—Yes.

A500. Scientific planning for the bringing into irrigation in stages of large tracts of Sind?—Yes.

A501. When responsible Government is set up, it is possible that in India as in any other countries pressure will be brought by the electors in one constituency claiming that their district has greater needs than other districts, and pressure may be brought upon the Ministry to vary the general layout and development of the scheme. You would not object, I presume, to some safeguard being provided which would enable the scheme as a whole to be developed as it was planned scientifically by the experts who knew their job?—I take objection to that and I would add this that it will not be a practical proposition.

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[Continued.]

What has been designed has been carried out and completed already and there is no practical possibility of effecting any change of that kind.

Lord *Eustace Percy*.

A502. Just one concluding question. To what extent does the success of the Barrage development scheme depend upon export trade?—I have said something about that in my memorandum too. I have said that Sind will be growing largely cotton and it will be growing almost as much as the rest of India and there is a considerable demand for its produce at present. I was discussing this very recently with the chief agricultural officer in Sind and the representatives of the European Chamber of Commerce at Bombay. There is much demand outside for the products, for instance cotton, oil seed and things like that. With regard to rice, for instance, Sind is one of the most important Provinces that produce rice. Of course Burma rice is cheaper but Sind rice is much better and more appreciated.

A503. All I wanted to get at was this, that Sind will be looking to world markets and not to internal Indian markets, for the marketing of a large proportion of its produce?—That is so, but there is one point I might mention, that there is a growing tendency in India for the consumption of wheat. If you were to see the figures of late you would find that India as a whole is consuming gradually much more wheat than

it used to and with that consumption I feel for many years to come that what Sind produces could not be exported, but it will be consumed internally.

Sir *Reginald Craddock*.

A504. One question I forgot to put; in developing these new acres of land under irrigation of the Sukkur Barrage, will you be dependent on populations coming in from outside, or will the land be taken up by the existing population of Sind?—At present we are concentrating more on the machinery. At present the Chief Agricultural Officer who has been appointed for Sind is carrying on experiments on that line. Perhaps we shall depend upon labour being introduced to a certain extent, but so far there has not been much, and that will depend how the lands are sold, whether they are being purchased by the local people or by outsiders. In those areas where they are purchased by outside people you will have outside labour, but in the greater enterprise you will have mostly machinery used. There is one gentleman who has taken up 40,000 acres for cotton and sugar cane in Sind, and perhaps there will be special sugar cane machines; he is going to make use of machinery mostly for that.

A505. Is it producing long staple cotton, or short staple?—They are trying different things from Egypt, America and Japan, but mostly the Sind local crop.

Lord *Eustace Percy*.] Thank you very much.

(*The Witness is directed to withdraw.*)

## SUB-COMMITTEE

DIE LUNAE, 17<sup>o</sup> JULII, 1933

Present:

Earl of Derby.  
Lord Rankeillour.  
Lord Snell.  
Mr. Cocks.

Mr. Foot.  
Sir Joseph Nall.  
Sir John Wardlaw-Milne.

DELEGATES.

Nawab Liaqat Hyat-Khan.  
Sir Hubert Carr.  
Mr. Ghuznavi.

Sir N. N. Sircar.  
Sir Manubhai Mehta.

The EARL of DERBY in the Chair.

Mr. B. N. CHOPRA, Mr. R. P. BAGLA and Mr. K. L. MEHTA are called in and examined.

Earl of Derby.

B1. Gentlemen, you represent the Chamber of Commerce of the United Provinces, do you not?—(Mr. Chopra.) Yes.

B2. Mr. Bagla, you are the Honorary Secretary of the Chamber of Commerce of the United Provinces, and you are a Member of the Indian Legislative Assembly. That is so, is it?—(Mr. Bagla.) Yes.

B3. Mr. Mehta, you are proprietor of the Bharat Engineering Company of Cawnpore?—(Mr. Mehta.) Yes.

B4. Mr. Chopra, you are the Assistant Secretary of the Chamber of Commerce

of the United Provinces, and you are Dean of the Faculty of Commerce, Agra University?—(Mr. Chopra.) Yes.

B5. You have submitted to us a Memorandum of your evidence. Is there anything you would like to say to us, in the first instance, to add to it, or with regard to it?—We have nothing to add to what we have said there, but if any statement requires further elucidations we will answer the questions.

B6. You will be ready to answer any questions on the evidence you have put in?—Yes. Memorandum 34 is as follows:—

### MEMORANDUM 34 SUBMITTED BY THE UNITED PROVINCES CHAMBER OF COMMERCE, CAWNPORE.

The Chamber was established in 1914. Its present strength is 110 members. All important trades and industries of these provinces are represented in the Chamber. Its representative character was duly recognised under the Montagu-Chelmsford scheme of Reforms and the only seat allotted to Indian commerce on the United Provinces Legislative Council was assigned to this Chamber. In the "White Paper" also the Chamber has been named as the constituency for electing the representative of Indian Commerce on the Proposed U.P. Legislative Assembly.

The Chamber desires to confine its submission to the question of representation of Indian Commerce of the United

Provinces on the Central and Provincial legislatures. The points that it wants to make out in that connection are, briefly, as follows:—

(1) The representation on the Provincial Legislature conceded, under the proposals of His Majesty's Government, to the commercial interests of U.P. is inadequate and compares unfavourably with the representation allowed to similar interests in several of the other provinces. From the Statement appended to this Memorandum it will be seen that in the lower Chambers in the provinces 19 out of a total of 250 seats in Bengal, 7 out of 175 in Bombay, 4 out of 192 in Bihar and 11 out

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[Continued.]

of 108 in Assam have been allotted to Commerce, but in the United Provinces only 3 out of 228 seats have been so far allotted. In population the United Provinces are second only to Bengal and in commercial importance U.P. does not compare unfavourably with one of the Presidencies and with Bihar and Assam. Out of the three Commerce seats in the U.P. Legislative Assembly two are proposed to be allotted to European Commerce and only one in Indian Commerce. This will perpetuate the injustice that was done to Indian Commerce in the Montagu-Chelmsford Scheme of Reforms.

(2) In the Upper Chamber of the provincial legislature no direct representation of commerce has been provided for. Direct representation of commerce is even more necessary in the revising Upper Chambers than in the popular Lower Chambers.

(3) In the Lower Chamber of the Federal Legislature direct representation to Commerce, European and Indian, has been provided in case of the three Presidencies, one seat being allotted to Indian Commerce in each of the Presidencies. Indian Commerce in U.P., however, is to share one seat with the other provinces in Northern India, which presumably included the Punjab, North-West Frontier and Delhi. The Simon Commission in paragraph 141 (Vol. II) of their report commented upon the excessive representation of the Presidencies as compared with the representation given to other provinces in the existing Legislative Assembly. The Commission's criticism would apply with equal force to the proposal of His Majesty's Government regarding the representation of Commerce in the Federal House of Assembly. One non-provincial seat for Indian Commerce in the House of Assembly has been allotted to the Federation of Indian Chambers of Commerce and Industry. In all probability this seat also will generally be filled by a member hailing from one of the presidency towns.

In view of the above the Chamber respectfully submits that the proposals of His Majesty's Government in so far as they relate to the representation of In-

dian Commerce of the United Provinces may be amended in the following respects:—

(1) In the new U.P. Legislative Assembly at least two seats should be allotted to the United Provinces Chamber of Commerce which, according to the "White Paper," is to be the constituency for Indian Commerce.

(2) In the new U.P. Legislative Council (Upper House) one seat should be provided for Indian Commerce (through the U.P. Chamber of Commerce). This should be possible without increasing the proposed strength of the House as one of the nine seats to be filled by nominations can be allotted to India Commerce.

(3) In the matter of representation of Indian Commerce in the Federal House of Assembly the United Provinces should be treated on the same footing as the Presidencies and a separate seat should be allotted. As in the case of the Presidencies, the constituency for this purpose should be the same as represents Indian Commerce in the provincial legislature, i.e., the United Provinces Chamber of Commerce.

Lord Rankeillour.] I think as some of the delegates from India are here, and it is obvious that they must have first-hand knowledge on these points, I would prefer to reserve any possible questions I might have to ask until they have asked questions.

Sir Manubhai N. Mehta.

B7. Although it is not expressed in your Memorandum I find from other Memoranda that in the Statutory Commission Report there are certain adverse remarks as regards your Chamber of Commerce that you do not really represent the full commercial interests of Cawnpore, but that yours is rather a body of people taking slight interest in commerce. There are several adverse remarks against this body in the Simon Commission Report. Will you kindly tell me if the state of things has now improved?—I would request you to let me know where these remarks are made, because I do not happen to have come across them. Possibly you refer to a

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[Continued.]

certain despatch of the United Provincial Government, or is it to something else? I should like to know what those remarks are before I answer the question.

Sir Joseph Nall.] Is the reference in the Simon Report available?

Sir N. N. Sircar.] I think you will find that not in the Simon Commission Report, but in the United Provinces Government Report.

Sir Manubhai N. Mehta.

B8. Volume 1, page 271, of the Minutes of Evidence. It was quoted in another Memorandum we had to-day. I will read it to you "Only so recently as 1929 this body did not place any evidence before the Royal Commission on Labour. In striking contrast to this picture the Merchants' Chamber"—that is really a quotation from the other Memorandum, but I will quote from the Simon Commission Report, also the United Provinces Government Report. "The United Provinces Chamber of Commerce has at present one member and the Upper India Chamber two members. The former chamber claims equal representation. The claim is based on the view that the United Provinces Chamber is more representative of the Indian trade and commerce than the Upper India Chamber of Commerce. The original differentiation was based on the ground that the Upper India Chamber controlled far more capital than the United Provinces Chamber and occupied a position of much greater importance. There is little comparison in the capital controlled by the members of the two Chambers. The Upper India Chamber includes all the big commercial and industrial concerns in the Provinces. The United Provinces Chamber, on the other hand, is more representative of small Indian concerns such as piece-goods importers, oil and grain millers, etc." This is the passage I refer to: "It has much less stable membership than the other Chamber and the amount of arrears of subscription written off annually suggests that a considerable number of its members have little or no interests in its work. It has a larger membership than the Upper India Chamber, but it admits to its membership any individual interested in trade, commerce or industry, and quite a number of its members appear to be indirectly so interested. Its representative in the Legislative Council since 1921 has been a lawyer and not a commercial man in the strict sense. There is no

doubt that the Upper India Chamber is the better organised and the more influential body and that it represents far wider commercial and industrial interests than the United Provinces Chamber. There is nothing to show that the comparative position of the two Chambers has materially changed since 1919 and we are unable to recommend equal representation." These were the remarks I refer to. I wanted to know if these remarks are still applicable or could you show that there has been any improvement?—In the first place, we are not prepared to accept that this criticism of the United Provinces Government was in every respect justified. When the Simon Commission was taking evidence the chamber, rightly or wrongly, by a majority of votes in the Committee, at that time decided not to lead any evidence before that Commission. I do not mean to suggest that that was the reason why this criticism was made by the United Provinces Government, but, in any case, if we had a chance to reply to that criticism we would have met some of this criticism, and, in fact, I remember it was answered in a communication that was sent by the chamber to the United Provinces Government then. It is mentioned there that, according to our Memorandum of Association, any person who is interested in trade, commerce and industry can become a member. In this connection I would point out that, according to the rules of the Premier Chamber of Commerce in India, that is the Bengal Chamber of Commerce, anyone who is interested in trade, commerce or industry, art, science or literature, can become a member of that chamber. That is the qualifying clause. I do not mean to say that any considerable proportion of their members are not business men, but the criticism was with regard to the qualifying clause, which is as I have just mentioned. As regards quite a large number of members being only indirectly or remotely interested, I have got a list of the members which I believe has been circulated to the Committee just now. A look through that will show that there is not a single member who can be said to be not closely connected with commerce. Another criticism has been made against the representative of the chamber in the Legislative Council. He is one of the premier citizens of Cawnpore and he is no doubt a practising lawyer.

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[*Continued.*

B9. He is not a commerce man; he is a lawyer?—He is a commerce man in the sense I have just pointed out. He is Chairman of the Board of Directors of a big Cotton Mill; he is a director of the British India Corporation, Limited, which is the biggest concern of its kind in the United Provinces or perhaps in India, he is a Director of the Punjab National Bank, Limited, Cawnpore Branch; he is Chairman and Member of the Board of Directors of many joint stock companies. He presided over the Industrial Conference at Sitapur in 1916 and he has been representing the Chamber in the Legislative Council for several years. It is true he is not buying and selling, but if with the qualifications I have just mentioned he cannot be said to be closely connected with commerce and industry, then that criticism is correct. It is not necessary, I believe, in order to be a member of a Chamber of Commerce and a good representative that a man should be actually engaged in buying and selling.

B10. Is he a practising lawyer?—He is a practising lawyer, as I have already said.

Nawab Sir *Liaquat Hayat-Khan*.

B11. Will you kindly refer to paragraph 3 of your memorandum, the last four lines?—Yes.

B12. There you say: "One non-provincial seat for Indian Commerce in the House of Assembly has been allotted to the Federation of Indian Chambers of Commerce and Industry. In all probability this seat also will generally be filled by a member hailing from one of the presidency towns." What makes you think that?—Our Chamber also is a member of the Federation and I know the entire membership of the Federation. Our experience has been with regard to all elections to various public bodies, and with regard to the election of the Executive Committee of the Federation, that generally it is prominent men from Calcutta and Bombay and sometimes from Madras who occupy all the important places. That is only natural, because they are more advanced in every respect than people in Northern India. That is what makes us think that this seat also will in all probability go either to Bombay or to Calcutta and sometimes perhaps to Madras; but there is very little likelihood of any member from Northern India getting it.

B13. You also ask that you should be given at least one seat in the Federal Assembly from United Provinces alone, instead of sharing a seat with the Northern India Chamber of Commerce?—Yes.

B14. In that event would you agree to the Punjab having another seat also, a separate seat, representing the Chamber of Commerce there?—Certainly; we have no quarrel with the Punjab.

B15. Or would you take this seat, if only one seat was going for Northern India, including the Punjab and the Frontier Provinces; would you claim that should be reserved for United Provinces exclusive of the Punjab?—No, certainly not. Our point is that in point of importance United Provinces does not rank, at least, below Madras. Our point is that each of the three presidencies is given separate representation. United Provinces in point of population comes next to Bengal. In commercial importance we claim that United Provinces is not less important than Madras. Therefore, without saying anything with regard to the representation of other provinces in India, we feel United Provinces is sufficiently important to be represented in the Federal Assembly. As we say in our Memorandum, the Simon Commission felt constrained adversely to criticise the excessive representation of the presidencies and the excessive importance always given to the presidencies with regard to representation. Our point is exactly the same. We feel that United Provinces is sufficiently important to be separately represented in the Assembly. In answer to your other question, in the event of it not being possible to increase this representation, I would suggest, though that will not certainly satisfy us, that the seats should go alternately to United Provinces or to the Punjab, rather than that the whole of Northern India should form one constituency for that seat, because it would be very difficult, in that case, to get suitable representatives; but certainly we would press for a separate seat for United Provinces, and we would be very glad also if the Punjab got a separate seat because the Punjab is becoming, industrially and commercially, very important

Sir *Hubert Carr*.

B16. I was chiefly puzzled in reading the Memorandum to find out which Chamber really must best represent

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[Continued.]

commerce in United Provinces. I do not think it is a question of competition with Upper India, is it?—No.

B17. They are separate. That is a European seat?—Exactly. There is absolutely no quarrel between the Upper India Chamber of Commerce and the United Provinces Chamber. The Upper India Chamber is mostly a European body and the United Provinces Chamber of Commerce represents Indian commerce. As Lord Southborough's Committee reported, the Upper India Chamber represents mainly European Commercial interests, while the United Provinces Chamber of Commerce mainly represents Indian commercial interests.

B18. The Upper India Chamber is one-third Indian?—The position continues to be the same. They are given two seats. It was thought that they control bigger concerns. That is true. We do not question that. Most of the big European-managed mills (they are not entirely European-owned now) are bigger; but we claim that in comparison with the Upper India Chamber, we represent a larger number of interests and a greater diversity of interests. Here is a list of the various industries of the Province which are represented in the Chamber; sugar, oil, textiles (cotton, wool, silk), paper, glass, flour, engineering (machine manufacturing), electric supply, printing, agriculture, brushware, etc. Practically all the industries are represented. In trades, we represent cotton, piece goods and yarn, grains, sugar, paper, oils, hosiery, export and import (general); leather, shellac, automobile, metals, spices, wine, jute and machinery. An analysis of the membership of the Chamber shows these are the interests we represent.

Earl of Derby.] Perhaps you will answer the question.

Sir Hubert Carr.

B19. Coming back to my point, it is not from the Upper India Chamber that you want seats diverted to the United Provinces Chamber?—Not at all.

B20. But I understand the Merchants Chamber is wanting the seats diverted from the United Provinces Chamber to themselves?—Exactly.

B21. Can you help me to understand something of the justice of the claim? As I understand it, the Merchants' Chamber consider you unrepresentative. You have had a seat for some years now,

and I should like to get clear in my mind something of what your position remains to-day, if you could help us?—I should personally have very much liked to avoid saying anything with regard to the other Chamber that has recently come into existence, but in answer to this question I will have to go into that briefly. That Chamber, the Merchants' Chamber, was only formed in November, 1932—that is only a few months ago. It did not exist when the Simon Commission visited India, and it was not in existence when the Indian Franchise Committee took evidence.

Earl of Derby.] I think we need not have any further explanation.

Sir Hubert Carr.

B22. It is only to make sure that their Chamber stands where it stood?—As a result of the formation of the new Chamber, 21 members have ceased to be members, but 36 new members have been added. That is the position.

Sir Hubert Carr.] I did not want to find out the position of the other Chamber, but I wanted to know why we should have two claims coming before this Committee from the same place, and I was going to ask whether the people constituting the other Chamber had applied for membership in this Chamber, which would have simplified it, in my mind.

Earl of Derby.] We shall have to ask the Merchants' Chamber when they come why they have formed a new Chamber.

Mr. A. H. Ghuznavi.

B23. You are the Assistant Secretary of the Chamber of Commerce of United Provinces, Mr. Chopra?—Yes.

B24. You are also Dean of the Faculty of Commerce at Agra University, and have been officiating as Principal; teaching is your vocation?—Yes.

B25. We have just got a list of the members of your Association?—Yes.

B26. When did you get these five Muslim members elected?—They were elected recently. I am afraid I could not give you the date.

B27. I put it to you that they were elected in June, before you left India. They were not members before June, 1933. Is that correct?—I am not quite sure about that. As I have said, they were elected recently. I could not give the date, but I can find out and let the Committee know later on from my records.



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[*Continued.*]

B28. I see about six names, but my information is that they have no Muslim members at all. They got these elected in June, before they left?—This is forbidden ground, but I have tried to explain the position. Some of the Muslim members, that we had, resigned and were among those who formed the new Chamber, and that is why we had no Muslim members at that time, but since then some new Muslim members have been elected.

B29. Your Chamber was established in 1914?—Yes.

B30. How many members did you have in 1914? I want only the number of Muslim members in 1914?—Out of 42 original members in 1914 six were Muhammadans.

B31. You could not give their names, could you?—I am reading from the official published report of the Chamber.

B32. The names are not printed?—Yes. Hafaz Mohd Halim, the premier hide merchant. As I said, he is one of the organisers of the new Chamber.

B33. I will not trouble you for any more. In 1928 your Chamber passed a resolution boycotting the Simon Commission. That you have said already?—I am not aware of the resolution being passed, but it is true that the Chamber did not give evidence before the Simon Commission.

B34. Do you want to deny that there was a resolution passed?—I do not want to deny it; I am refreshing my memory. A resolution was passed.

B35. You are the Assistant Secretary: you ought to know that?—Yes.

Mr. A. H. Ghuznavi.] What was the trouble in knowing what resolution was put in 1928?

Earl of Derby.

B36. Helped by your Secretary, can you give a direct answer to this question? Did your Council, or did they not, pass a resolution boycotting the Simon Commission?—Yes.

Earl of Derby.] They did pass a resolution.

Mr. A. H. Ghuznavi.

B37. Did your Chamber pass a resolution in 1930 urging its members to boycott British goods?—I do not think any resolution was passed. Such a resolution was brought forward by the persons who are really responsible for the formation of the new Chamber, the Merchants' Chamber.

B38. The Witness knows all about the resolution. Let him say whether it was passed or not?—It was not passed as far as I remember. I remember such a resolution being brought before the Committee, but as far as I can remember that resolution was finally talked out. That is all I can remember about it. I will find out from the actual records and let the Committee know.

Sir Joseph Nall.

B39. Was the Witness a member at that time?—I have not brought the records over with me.

Mr. A. H. Ghuznavi.

B40. He has been Assistant Secretary ever since the Chamber was established?—No, I have been Assistant Secretary since 1918.

B41. I am talking about 1928?—I was Assistant Secretary then.

Earl of Derby.

B42. Surely you can remember an important thing like that—whether it was passed or whether it was not passed?—My own impression is that it was talked out, but I will find out.

Mr. A. H. Ghuznavi.

B43. Your Chamber addressed several letters to the Government of India deprecating this official policy. Is that correct?—What policy?

B44. The Government of India's policy about the reforms, the White Paper, and so on?—No.

B45. Did your Chamber ever address the Government of India on any policy at all?—Yes. When there was the first civil disobedience movement, the Chamber did address a letter to Government suggesting a policy of conciliation—of conciliating public opinion, if that is what you mean.

B46. That is the only letter you say that was addressed to the Government of India?—Yes; nothing with regard to the White Paper, and the first civil disobedience movement was several years back.

B47. You have got about 110 members now, have you not?—The present strength is 131.

B48. When were these last 30 elected; was it in June?—Not 30. When we submitted this Memorandum the strength was 110, and after that some new members were elected, in May and June.

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[Continued.]

B49. You submitted this Memorandum in April or May?—We submitted it in April.

B50. You got these additional 30 members in May?—Yes—not 30, 21.

B51. Seven of your members are practising lawyers, are they not?—One is R. B. B. Vikramajit Singh, about whom I have already spoken.

B52. Seven of them are practising lawyers?—Only three.

B53. Not seven?—One of them is sole proprietor of several concerns and the other is a director of several concerns.

B54. Four are landlords?—Yes.

B55. Without business connection at all?—They are representing the agricultural industry because we think agriculture is also an industry and perhaps the most important.

B56. Do you say they represent agriculture in your Chamber? In what way—because they are the landholders?—Yes; they have large land interests.

B57. That is what you call commercial representation in the Chamber, because he is a landholder or he represents agriculture?—I should think that agriculture also can well be represented in a Chamber of Commerce.

B58. By the landlord being the holder of the lands, which have been tenanted to somebody else?—Not necessarily in this case.

B59. You had 106 members in 1926?—You have more information that I have at present, because I have not got all the reports with me. I could send the information later if you like.

B60. Your Chamber did not lead any evidence before the Industrial Commission?—It did.

B61. It did?—Yes.

B62. Did they lead any evidence before the Central Banking Committee?—No.

B63. Did they lead any evidence before the Simon Commission?—I have already said no.

B64. The Franchise Committee?—Yes.

B65. They lead evidence before that?—Yes; I was one of the witnesses before the Franchise Committee and I also appeared before the Fiscal Commission and several other committees.

B66. One of your members is a practising lawyer and has represented your Chamber in the local Council for the last 12 years?—I have already answered that.

B67. And has been Honorary Secretary for the last 14 years?—Now he is the President of the Chamber.

B68. But he was Honorary Secretary for 14 years?—Yes. In view of these questions, will you permit me to make a very important statement in this connection.

Earl of Derby.

B69. Certainly?—Certain questions were asked with regard to the Chamber's attitude towards the Government policy or towards the Simon Commission. I want to state definitely that the members who are responsible for bringing forward those resolutions and advocating that attitude were the very persons who, on account of differences of opinion, later on organized the other chamber.

Nawab Sir Liaquat Hayat-Khan.

B70. Which Chamber?—The Merchants' Chamber. Now that there is a question of representation in the Council they are advocating co-operation and they want to co-operate.

Earl of Derby.

B71. That we can have from them. I do not think we can have evidence from you as to the views of a rival body?—I wanted to remove the impression that this Chamber was responsible for non-co-operation.

Mr. F. S. Cocks.

B72. Can you tell me the total amount of capital you represent?—That is very difficult to say because most of our members are, as you know, Indian firms, and Indian firms would never let anyone know what capital they are really controlling; but if you look at the list and the description given there that I have already circulated to the Committee it will give an idea as to the amount of capital that the Chamber controls, but we can say that it is very large, and that statement will stand any test that the Committee may apply. I think the best way of getting at that will be to make an inquiry through the local government or through other local agencies, because here it will be impossible for us to discuss this.

B73. You cannot give any rough estimate at all?—I think not less than about 20 crores—that is just a rough estimate. I am sure it may be more than that.

Lord Snell.

B74. May I take it that, whatever the past has been, you claim to-day to represent substantially the whole commercial

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[Continued.]

interest in the United Provinces?—Yes; we claim that we are the most representative body in the Province so far as Indian commerce is concerned. I will put it that way.

B75. But in previous times there was a minority on your body that held another view than yours?—I have not followed that question.

B76. Certain resolutions were proposed about which you have been asked?—Yes.

B77. Those were promoted by a minority on your Council, were they?—Yes.

B78. At the present time does the membership of your Council include any of the professions, such as doctors or people not directly engaged in commerce, other than lawyers?—Here is my list of the present Committee.

B79. I mean in your members?—The total number?

B80. Scholarship, the professions, that is to say, are represented in it?—There are only three persons who are lawyers, but, as I have already said more than once, they have got other interests also. They are directors of important concerns.

B81. Can you try to answer the question. Are there, in addition to lawyers, doctors or schoolmasters?—No. There is one exception to that. There is one gentleman who for years represented a commercial firm. He himself is a teacher—as you say, a schoolmaster. He was nominated as a representative of a commercial firm; he was there for several years; he was found very useful. He was taken on the committee and later on became a member in his own right. With that exception, there are no others.

B82. I was only trying to find out what the interest of the Association was. In your claim for greater representation do you also have in mind that if that is granted to you, other sections will also ask for increased representation?—If other sections ask we have no quarrel with that. We felt that both in the Provincial Council and in the Federal Council we have been given inadequate representation.

B83. You are aware, are you not, that the Labour interests feel that they are under-represented with the three special members that are granted to them, and they might make a special claim?—Labour gets as much representation as

commerce in my Province, both Indian and European.

B84. May I take it, whatever your previous attitude to the Simon Commission or anything else may have been, you at the present time do substantially represent the commercial interests?—Yes, the Indian interests.

Lord Rankeillour.

B85. Can you tell me what the qualification is for membership of your body?—The qualifying clause is anyone who is interested in trade, commerce or industry can become a member. That is rather unhappy, but I have said that was probably taken from the Memorandum of Association of the Bengal Chamber of Commerce, but, as a rule, only men actually engaged in business are elected as members. The names come up before the Managing Committee, and by a two-thirds majority, if they are elected, they become members. Otherwise, the application stands rejected.

B86. The method of election is by a Managing Committee?—Yes, by the Executive Committee.

B87. And any candidate must get a two-thirds majority to be elected?—Two-thirds of that Committee.

Mr. Isaac Foot.

B88. Is there not in the Year Book, as is customary in this country, a paragraph saying what are the terms of membership? Have you not a paragraph saying who can become members?—Yes. I will read it out. "Any firm, individual, company, corporation or association engaged or interested in trade, commerce or industry shall be eligible for membership of the Chamber. Applications for membership shall be made on the form prescribed by the Chamber. The Chamber in general meeting or the Executive Committee of the Chamber, hereinafter referred to as the Committee, shall have the power to elect members of the Chamber, provided that no member shall be deemed to be duly elected unless a majority of at least two-thirds of the members of the Committee, or of the Chamber present at the meeting of the Committee or at the general meeting, as the case may be, vote for his election."

Lord Rankellour.

B89. Do I understand two-thirds of those present at the meeting of the Management Committee must vote for

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[Continued.]

him. Is that right?—Yes, two-thirds of those present.

B90. Are the proceedings by ballot?—Yes.

B91 I understand there are three Chambers of Commerce in the United Provinces?—Yes.

B92. The Upper India Chamber has two seats, and you have one, and you ask for a second?—Yes.

B93. You ask for two?—Yes.

B94. Supposing the body who are coming to see us presently ask for two as well, would you object to that?—Our objection is that that body has only very recently come into existence, and the question of representation of that body should not at all arise. That is our submission. I may also add that they have not yet been recognised as far as I am aware by the Government of India, or by the Local Government, for any purpose.

B95. As to the total numbers you say there should be four, but, if they ask for equality with you, that would make six?—That is for the Committee to decide. We only feel that Indian commerce should have at least as much representation as European commerce. It is for the Committee to decide what shall be the total strength. In that connection I may say that while, in the United Provinces, Commerce, including European and Indian commerce, is to get only three seats in a total Council of 228, Bengal is to get 19 out of 250, and in Bombay seven out of 175; in Bihar four out of 152; and in Assam 11 in a Council of 103 seats are to go to commerce. We find that the United Provinces commerce in this respect has been rather ignored, or unfairly treated.

B96. I suppose the allotment of the seats to commerce would be based on the proportion industry bears to agriculture or other occupations in the Province, would it not, and the United Province, I suppose, is on the whole an agricultural Province—more so than Bengal or Bombay?—I do not know. Take Bihar. I do not quite see that the commercial and industrial interests in United Provinces are less important compared with other interests than similar interests in Bihar where four seats out of 152 are to be allotted to commerce.

B97. Do you say having regard to the amount of industry in your Province (not to the total population) you are under-represented as compared to most of the

other Provinces?—Yes, that is what we feel. We feel that commerce has been given less representation in the United Provinces as compared with other Provinces.

B98 What basis can you go upon? The number of industrial workers or what?—No, we go on the number of industrial concerns.

B99. They may be of very different sizes, may they not?—We have some general idea I have not got an industrial census of the various Provinces, but the general idea is that commercially and industrially United Provinces is at any rate more important than Bihar, and certainly not less important than Madras, or Assam, where 11 seats are to go to commerce.

Mr. A. H. Ghuznavi.] Assam has some very big industries.

Lord Rankeillour.] You have no statistics of industrial concerns or industrial workers to base it on?

Sir Hubert Carr.] May I put a question arising out of your question?

Lord Rankeillour.] Please.

Sir Hubert Carr.

B100 You were comparing representation of Indian and European commerce. Is it not a fact that the Upper India Chamber of Commerce have quite a large percentage of Indian members as well as European?—Yes, but the number is comparatively small, and they are most of them members of this Chamber as well. They are members of the Indian Chamber as well.

B101. They get their representation there?—Yes. May I say in this connection that the United Provinces Government in their evidence before the Franchise Committee recommended five seats for commerce, three for Europeans and two for Indians.

Sir John Wardlaw-Milne.

B102. In your Memorandum at the beginning you say you have 110 members. These are all Indian members, I suppose?—Yes.

B103. A little lower down you say: "In population the United Provinces are second only to Bengal and in commercial importance U.P. does not compare unfavourably with one of the Presidencies"; I take it from what you say that is Madras?—Yes.

B104. "and with Bihar and Assam"?—Yes.

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[Continued.]

B105. Do you claim that commerce and industry in the United Provinces compares in any way in importance with commerce and industry, including things like tea in Assam? Is that your claim?—We know that the tea industry or plantation generally is a very big industry, but it is one single interest after all, while in United Provinces we have a larger number of separate industries.

B106. But taking the total of these industries you have said quite clearly, and we can quite understand that, that you cannot give any figures of the capital engaged?—Yes.

B107. But, leaving that aside, taking the case of the amount of labour that is engaged in commerce and industry, as represented in your Chamber in the United Provinces, with the amount of labour employed in Assam, is there any comparison at all?—Labour is separately represented. We are dealing with the representation of the employers.

B108. As you cannot give us any figures of capital I am trying to get at on what grounds you claim that commerce and industry in the United Provinces is of anything like the same importance?—As in Bihar or Assam.

B109. You yourself mentioned Assam. That is why I have taken that?—In Assam we find it is 11 out of 103, that is 10 per cent. of the entire strength of the Council is allotted to commerce. In the United Provinces it is three out of 228. It is the disproportion which strikes us. We have not gone into any great detail.

B110. That is not my point. In your Memorandum you say: "In population the United Provinces are second only to Bengal" (that is not the point) "and in commercial importance U.P. does not compare unfavourably with one of the Presidencies and with Bihar and Assam"?—Yes.

B111. Is it the case that there is any comparison in commercial importance between the United Provinces and Assam?—I think the United Provinces are commercially and industrially, taken together, much more important than Assam, because we have a tremendous amount of internal trade which Assam has not, because that also is represented here, and we have so many different industries. For instance, sugar is almost entirely concentrated in the United Provinces, because almost half the total

production is in the United Provinces, and sugar is at present a most important industry.

B112. In the second paragraph you say: "Direct representation of Commerce is even more necessary in the revising Upper Chambers than in the popular Lower Chambers." Why is that?—Because we take it that the Upper Chambers are to be revising bodies, and you want them to be stabilising bodies, and you want men with stakes who would be rather conservative in outlook, and, for that reason, we think representatives of commerce, who would generally be people with heavy stakes, would be even more necessary in the Upper Chamber than in the popular Chamber where they would be entirely lost perhaps.

B113. In paragraph 3 you say: "The Simon Commission in paragraph 141 (Vol. II) of their report commented upon the excessive representation of the Presidencies as compared with the representation given to other provinces in the existing Legislative Assembly." Does that refer to Commerce?—No, generally.

B114. Nothing to do with commerce?—No, but finally they have said that representation should be as far as possible on a population basis.

Sir Joseph Nall.

B115. I would like to ask the witness whether it is the fact that, if he gets what he wants, the other bodies will be aggrieved, and, if the other bodies get what they want, he will be aggrieved? Is there any possibility of their being satisfied with any scheme?—As far as we are concerned I have already said that we would not resent the representation of the Upper India Chamber being more than that of ours, or equal to that, but, so far as the new Chamber is concerned, our submission is that that is entirely a new body, and has yet to get its position recognised by the Government. It is too early yet for them to have representation.

B116. Can you say how many of your members are members of one or both of the other Chambers?—I think about a dozen firms.

B117. Not more than a dozen?—About a dozen firms are members both of the new Chamber and my Chamber.

B118. Has any attempt been made to secure agreement on this subject?—Not as far as I am aware.

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[Continued.]

B119. You would not care to agree?—I think, considering the circumstances under which the new Chamber has arisen it is rather unlikely, because it has arisen because of certain personal differences.

B120. In the White Paper the United Provinces have an Upper House as well as a Lower House for the Provincial Legislature?—Yes.

B121. And provision is made for the Governor to nominate a certain number?—Yes.

B122. Do you think if the Governor included in his nomination a certain number of people who represented commercial interests that would be more satisfactory than your and the other Chambers electing an equal number?—Is that in reference to the Upper Chamber only, or with reference to the Lower Chamber as well?

B123. That would be instead of the Lower Chamber, the point being that if commercial interest is to be properly represented in a Provincial Legislature, would you, in your view, get a proper and more reliable representation of commercial interest, if the Governor nominated certain persons to the Upper House rather than left you to elect people to a Lower House?—We have more faith in election. The other alternative would be acceptable so far as the Upper Chamber is concerned, but not with regard to the Lower Chamber. There is no nominated element at all in the Lower Chamber, and there should not be.

B124. You told me you had more faith in election, but you entirely disagree with the arrangements so far made for election?—Not entirely. We feel that we have not been given adequate representation.

Sir John Wardlaw-Milne.

B125. This Memorandum all refers to the question of the representation of the Chamber?—Yes.

B126. Your Chamber is not in any way a member of the Associated Chambers of Commerce?—No, the Associated Chambers of Commerce—

B127. I am not suggesting that they should be. I only wanted to be clear whether they were or not?—They do not take any Indian members at all. That is a purely European body.

B128. That being the case you cannot be taken as agreeing to the evidence they have given to the Committee?—No.

B129. Is the Committee to take it that, except on this question of representation,

you are in favour of these White Paper proposals?—Yes; that is why there is no criticism in this evidence on that part.

B130. You are in favour of them whole heartedly, and have no points to raise?—Exactly.

Sir Hubert Carr.

B131. The units of the Associated Chambers of Commerce have Indian members, have they not? The component members of the Associated Chambers of Commerce have Indian members?—No. There are two bodies. One is the Associated Chambers of Commerce of India and Ceylon.

B132. You said the Upper India Chamber of Commerce had a certain number of Indian members?—Yes.

B133. And the Upper India Chamber of Commerce is a member of the Associated Chambers of Commerce, is it not?—In that sense, yes. But there are very few like this. The Upper India Chamber of Commerce is an exception.

Earl of Derby.

B134. In your first paragraph you say. "In the 'White Paper' also the Chamber has been named as the constituency for electing the representative of Indian Commerce on the proposed U.P. Legislative Assembly" Whereabouts in the White Paper do we find that?—That is on page 96.

Mr. A. H. Ghuznavi.

B135. What paragraph?—Paragraph 2 (b) "Franchise for Special Constituencies," Appendix V.

Earl of Derby.

B136. That is on page 107 of the White Paper, paragraph 2 (b) "Persons being ordinary full members of the Upper India Chamber of Commerce or of the United Provinces Chamber of Commerce with a place of business within the United Provinces, or being entitled to exercise the rights and privileges of such membership on behalf of and in the name of any firm, company, or other corporation are qualified as electors for the constituencies comprising their respective Chambers" That does not say that you are designated as the constituency for Indian commerce?—The point is that when they have allotted seats on the Council they have given three for commerce, and here they

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[Continued.]

define what will be the constituency for those seats, and they say "persons being ordinary full members," and all that.

B137. I quite see that, but you say that in the White Paper you are designated as a constituency for Indian commerce. As a matter of fact, the White Paper only reproduces the existing electorate. Is not that so?—We took it to mean that We thought that was the intention because in the Indian Franchise Committee they also took that view.

Earl of Derby.] You may have thought so, but that is not so in the White Paper.

Mr. F. S. Cocks.] May I call attention to the footnote where it says they shall be regarded as provisional?

Earl of Derby.

B138. Yes, entirely provisional?—We understand it is provisional.

B139. Through a misunderstanding you have made a claim which I do not think can be entirely substantiated?—That may be so We thought it meant that.

Nawab Sir Aliqat Hayat-Khan.

B140. You have just stated in reply to a question by Sir John Wardlaw-

(The Witnesses are directed to withdraw.)

Mr. S. M. BASHIR and Mr. K. M. PURKAYASTHA are called in and examined.

Earl of Derby.

B142. Mr. Bashir, you are Vice-Chairman of the Merchants' Chamber, Cawnpore, Municipal Commissioner and late Vice-Chairman of the Municipal Board of Cawnpore, and you are an Honorary Magistrate of Cawnpore?—(Mr. Bashir.) Yes, my Lord Chairman.

B143. Mr. Purkayastha?—(Mr. Purkayastha.) I am Secretary to the Mer-

Milne that you are in favour of the White Paper scheme as it stands. May I take it that is the opinion of your Chamber, or your own personal opinion?—The Chamber as a Chamber has not considered the White Paper in its entirety, but that is the general feeling of the members of the Chamber, because there was a proposal to discuss it, but it did not come to anything, and the views that were generally gathered from the members were that, subject to certain criticisms with regard to the financial and commercial safeguards, which were also criticised by the President in his last address to the Chamber, they are for working the Constitution as outlined in the White Paper. That is what I thought was meant by being in favour of the Government proposals, not that they are accepted in their entirety by any person or member of the Chamber, but the general opinion is that we should work the Constitution for what it is worth rather than not co-operate with it.

B141. Work the Constitution as outlined in the White Paper?—Work the Constitution as outlined in the White Paper, subject to such improvements as could be suggested by the Joint Select Committee, or after further consultation with Indian interests.

chants' Chamber of the United Provinces, Cawnpore.

B144. You have given us a Memorandum and a second Memorandum on behalf of the Merchants' Chamber of the United Provinces?—(Mr. Bashir.) Yes, my Lord.

B145. Is there anything you would wish to add to what you have put in?—Not at this stage, my Lord. Memoranda 37 and 36 are as follows:

#### MEMORANDUM 37 FROM THE MERCHANTS' CHAMBER OF UNITED PROVINCES, CAWNPORE.

On behalf of the Council of Merchants' Chamber of United Provinces, Cawnpore, I beg to refer to the provisions made in the White Paper (His Majesty's Government proposals for Indian Constitutional reforms) dated March 15, 1933, regarding the representation of commerce and industry of India in general and the United Provinces in particular in the Federal House of Assembly and the local

Legislative Assembly. The tables set out on pages 76 and 79 of the White Paper read with the respective sections regarding United Provinces in Appendices IV and V thereof indicate that while there is no provision for representation of commercial and industrial interests of these Provinces as such in the federal lower house, the number of seats allotted for these interests in the



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[Continued.]

provincial lower houses remains at three, two for Europeans Commerce and one for Indian Commerce, the same as allotted in the electoral scheme adopted under the Government of India Act, 1919.

2. The Council of the Merchants' Chamber of United Provinces consider such a position of representation in the legislative bodies under the reformed constitution as wholly inadequate and unfair, particularly to the great and growing Indian commercial and industrial interests of these Provinces.

3. Turning first to the number of seats allotted to commerce and industry in the local Legislative Assembly, the Council of the Chamber would point out that there are strong grounds why the size of representations should be increased. The Council have noted the observation of the Lothian Committee recorded in paragraph 322 of their report that the extent of the commercial and industrial repre-

sentation in the local Councils should be maintained in their present dimensions irrespective of any augmentation of the size of these Councils as a whole under the next revision of the constitution. In the first place, His Majesty's Government in their Award of August 17 of last year was not guided entirely by this recommendation of the Franchise Committee. In Bengal, for instance, the number of these special seats was increased from 15 to 19 and in Assam from 6 to 11. Moreover, the size of the provincial lower Councils has not increased in uniform proportion, and the recommendation of the Lothian Committee that *status quo* was to be maintained was in all probability based on the presumption of uniform increase of size of the Legislatures. Actually, however, this presumption has not proved correct, as can be seen from the following figures:—

| Province.             | Present Allotment to Commerce and Industry. | Seats in Present Council. | Proposed Allotment of Commerce and Industry. | Total Seats Proposed. |
|-----------------------|---|---------------------------|--|-----------------------|
| Madras ... ..         | 6   | 132                       | 6  | 215                   |
| Bombay ... ..         | 8   | 114                       | 7  | 175                   |
|                       | (including Sind).                           |                           | (excluding Sind).                            |                       |
| Bengal ... ..         | 15  | 140                       | 19   | 250                   |
| United Provinces ...  | 3   | 123                       | 3  | 228                   |
| Punjab ... ..         | 2   | 94                        | 1  | 175                   |
| Behar and Orissa ...  | 4   | 103                       | 5  | 152                   |
| Central Provinces ... | 2   | 73                        | 2  | 112                   |
| Assam ... ..          | 6   | 53                        | 11   | 108                   |
| Sind ... ..           | —   | —                         | 2  | —                     |

It will be observed that in four Provinces out of eight, the size of the lower house has increased more markedly than in others. They are Assam, United Provinces, Punjab and Bengal. In Assam and Bengal the commerce and industry groups seats have been increased from 6 to 11 and from 15 to 19 respectively. The case of Punjab is exceptional and it seems that in order to adjust the numerical strength of the three major communities in a desired proportion, the commerce and industry has now been allotted only one seat. The United Provinces thus remain the only Provinces in which the size of the lower house of the provincial legislature is proposed to be augmented by as much as 85 per cent. and yet the number of commerce group seats has been left exactly as it was under a much smaller Council. The great importance of Indian Commercial Interests of these Provinces has been shown in Appendix A.

4. My Council would submit that while emphatically disowning any desire for reduction in the number of seats allotted to the European Commerce, it is necessary to point out for the consideration of the Parliamentary Committee that Indian commercial interests not represented by the Upper India Chamber of Commerce are now of equal, if not of greater importance. The representation allowed to the Upper India Chamber of Commerce was primarily intended for the benefit of the European commercial and industrial interests in the United Provinces. During the last fourteen years there has been very considerable expansion of commerce and industry in the United Provinces, mostly under Indian control and management, as will appear from the figures given in Appendix A. It is under the circumstances only just that the Indian Commerce and Industry should have at least equal representation with the European

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Commerce and thus should have at least two seats allotted to it in the provincial assembly along with the two seats allotted to the European commerce and industry.

5. If, however, an increase in the commercial representation in the local Council is not considered feasible, then the Council of the Merchants' Chamber would most emphatically ask for a fresh delimitation of the seat for Indian Commerce and Industry. It is necessary to stress here the fact that the electoral scheme outlined in Appendix V of the White Paper so far as commerce seats are concerned, is purely provisional. Of equal importance is the clear recommendation of Lothian Committee (made in paragraph 324 of their Report) that in the event the bodies or institutions are found no longer representative of the interests assigned to them, the continuance of their franchise should be re-considered. The Council of the Merchants' Chamber would candidly aver that the case for such disfranchisement exists in these provinces as far as the United Provinces Chamber of Commerce is concerned and accordingly the Council of the Merchants' Chamber would submit that owing to its greater representative character it is entitled to get preference over the other Indian Provincial Chamber of Commerce as representative of Indian Commercial interests of United Provinces. In this connection the Council of this Chamber in support of its claim will give the following extract from the report of the U.P. Government on the working of the system of Government of United Provinces during 1921 to 1928 presented to the Simon Commission—the comparison being between the Upper India Chamber of Commerce and the United Provinces Chamber of Commerce.

"The United Provinces Chamber of Commerce has at present one member and the Upper India Chamber two members. The former chamber claims equal representation. The claim is based on the view that the United Provinces Chamber is more representative of the Indian trade and Commerce than the Upper India Chamber of Commerce. The original differentiation was based on the ground that the Upper India Chamber controlled far more capital than the United Provinces Chamber and occupied a position of much greater importance. There is little comparison in the capital controlled by

the members of the two Chambers. The Upper India Chamber includes all the big commercial and industrial concerns in the Provinces. The United Provinces Chamber, on the other hand, is more representative of small Indian concerns such as piece-goods importers, oil and grain millers, etc. It has much less stable membership than the other Chamber and the amount of arrears of subscription written off annually suggests that a considerable number of its members have little or no interest in its work. It has a larger membership than the Upper India Chamber, but it admits to its membership any individual interested in trade, commerce or industry, and quite a number of its members appear to be indirectly so interested. Its representative in the Legislative Council since 1921 has been a lawyer and not a commercial man in the strict sense. There is no doubt that the Upper India Chamber is the better organised and the more influential body and that it represents far wider commercial and industrial interests than the United Provinces Chamber. There is nothing to show that the comparative position of the two Chambers has materially changed since 1919 and we are unable to recommend equal representation."

As a result of considerable dissatisfaction which had been felt for some years past with the manner in which the United Provinces Chamber of Commerce was functioning and the predominance of the legal element in it, and as efforts to improve that body were unsuccessful the leader of Indian mercantile community in these provinces thought it desirable to establish an Indian Chamber of Commerce which will truly and effectually represent the great and growing Indian Commercial interests of the United Provinces. Accordingly the Merchants' Chamber of United Provinces was incorporated in November, 1932, and in the brief period of its existence as many as 109 members from all over the province have joined the Chamber, and these include representatives of sugar, hide, grain and piece-goods trade as also cotton, woollen and jute mills, sugar factories, tanneries, oil mills, glass and ice factories, etc., etc. The capital represented comes to about twenty crores and is nearly ten

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[Continued.]

times the capital represented by other Indian Chamber of Commerce.

6. No less clamant is the need for representation of the Indian Commerce of these provinces in the Central Legislature. Unfortunately this claim seems to have been systematically ignored throughout the discussion on the constitutional revision. The Lothian Committee, while it recommended specific representation in the federal assembly of the individual Indian Chambers of Commerce of Bombay, Bengal and Madras, omitted to recommend any seat to Indian commerce of these provinces. In the White Paper proposals, although the representation of European Commerce in Bombay and Bengal have been strengthened beyond the Lothian recommendations, the case of the commercial representation of this province has remained unheeded. The Council of the Merchants' Chamber cannot regret too keenly this undeserved neglect of the commercial interests of these provinces, and they would therefore urge strongly that at least one seat in the Federal Assembly should be reserved

for purely Indian commercial interests of these provinces. The interests to be represented are vast, and the Council of the Merchants' Chamber of United Provinces would go so far as to state that the commerce and industry represented by this Chamber in every way equal to that represented by Indian Chambers of Commerce in Bengal and Madras which were recommended by the Lothian Committee for recognition as electorates of the Central Legislature.

Accordingly the Merchants' Chamber of United Provinces would respectfully submit that the Joint Parliamentary Committee will be pleased to recommend that:—

(a) separate representation should be allowed to Indian Commerce and Industry of United Provinces on the same footing as that of the three Presidencies in the Federal Legislature.

(b) increased representation be allowed to Indian Commerce and Industry in the United Provinces Legislative Assembly.

## (SECOND) MEMORANDUM 36. MERCHANTS' CHAMBER OF UNITED PROVINCES, CAWNPORE.

### I.—Introductory.

In course of a representation submitted early in May the Council of the Merchants' Chamber already stated at length their case for enlarged representation of Indian Commerce in the Lower House of the Provincial Legislature and in the Federal Assembly under a revised Constitution of India and of the specific representation of this organisation in both of these legislative spheres. It is now proposed to follow up the observations made in the original representation by this memorandum strengthening further the arguments adduced in the original representation and bringing forward such additional facts and considerations as were not embodied therein. It is the submission of the Council of this Chamber that this memorandum may be regarded as an essential part of their case placed before the Select Committee.

2. Apart from the question of representation of Indian Commerce in the Lower House of the reformed U.P. Legislature and the Federal Assembly, the Council now beg leave also to bring within the scope of this memorandum the case for institutional representation in the Upper Chamber of the U.P. Legis-

lature. There are, besides, one or two questions of provincial finance to which also the Council of this Chamber desire to invite the attention of the Parliamentary Committee and to lead evidence before them thereabout. The Council have no hesitation in thinking, however, that this widening of the scope suggested will be readily admitted by the Committee. It will be observed that the Council of the Chamber have made no endeavour to cover a large constitutional ground, as they might have. This decision, however, must not be construed as an indication of the Chamber's lack of interest in larger issues. On the other hand, should the Select Committee desire to hear Chamber's views on larger issues, its representatives will be only too glad to tender evidence on them, only if suitable opportunity is provided to them.

3. In pursuance of the extended scope of the memorandum explained above the Council will allow their observations to fall under *four* heads, one dealing with Provincial Assembly, one with Provincial Council, one with Federal Assembly, and the last containing considered suggestions regarding some aspects of the U.P. Provincial Finance.

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[Continued.]

## II.—Provincial Assembly.

4. The Council in their original representation stressed the point that the four Provincial Assemblies the membership of which is proposed to be increased by a proportion much higher than that in the case of the rest, the U.P. Provincial Assembly is the only one in which the number of seats for commerce and allied interests have not been raised. The inadequacy of commercial representation in Provincial Assembly can also be studied from another point of view, viz., the number of industrial labourers employed in the large industrial establishments of each province. The position can be indicated statistically thus (data from the "Large Industrial Establishments," 1932, a Government of India publication):—

| Name of Provinces. | Labour employed in large industrial establishments. | Number of Commerce seats proposed to be allotted. |
|--------------------|---|---|
| Madras ...         | 138,000   | 6   |
| U. P. ...          | 90,000  | 3   |
| Bihar and Orissa   | 68,000  | 4   |
| Assam ...          | 45,000  | 11  |
| C. P. ...          | 70,000  | 2   |

It will be observed that Assam, with only half the number of industrial labourers, has been given as many as 366 per cent. the number of seats for representation of commerce and allied interests in comparison with the similar representation in U.P. A comparison with other provincial figures set out above also brings home the hardship of U.P.'s case of commercial representation under the proposals that so far hold the field. The Council are no doubt aware that industry, the size and importance of which alone is measured by the number of works-people, is only one of the interests which are embraced in the commerce group of constituencies. But both the planting and mining establishments have been included in the figures of labour population used in this table. As regards the general commercial interests, it need hardly be stressed that U.P. is not far behind Madras despite the fact that the latter is a province with one of the major ports situated within it. At all events, the superiority of U.P. over Assam and Bihar and Orissa is most decided in this respect. And the proposition will be little disputed that if Bihar and Orissa has 4 seats given for representation of her commercial interests, U.P. should have at least 8 seats given to her for such representation. The statistics on this point

are not easy to obtain. Yet the following figures of what are returned as "unclassified" assesses in the income-tax returns and which include chiefly limited liability companies paying "corporation tax" afford a clear indication as to the extent of the commercial activity of provinces other than Bengal and Bombay.

| Name of Provinces. | Number of "unclassified" assesses in 1931-32. | Total income of Companies taxed in 1931-32. |
|--------------------|---|---|
| Madras ...         | 855   | 1.56 Crores.                                |
| U.P. ...           | 1,614   | 1.72 "                                      |
| Punjab ...         | 381   | 0.39 "                                      |
| Bihar and Orissa   | 632   | 0.14 "                                      |
| C.P. ...           | 155   | 0.71 "                                      |
| Assam ...          | 76  | 0.59 "                                      |

5. In their original representation, the Council also cited full statistical data to prove that the expansion of commerce and industry has been marked enough in U.P. during the years covered by the present reforms. The measure of progress can be further illustrated with reference to the following figures of income-tax and super-tax collection in the various provinces in 1923-24 and 1931-32.

| Name of the Provinces. | 1923-24.     | 1931-32.     |
|------------------------|--------------|--------------|
| Madras . ...           | 1.70 Crores. | 1.59 Crores. |
| Bombay... ..           | 5.34 "       | 4.24 "       |
| Bengal ... ..          | 6.03 "       | 4.59 "       |
| U.P. ... ..            | 0.89 "       | 1.09 "       |
| Punjab ... ..          | 0.76 "       | 0.75 "       |
| Bihar and Orissa       | 0.47 "       | 0.63 "       |
| C.P. ... ..            | 0.57 "       | 0.42 "       |
| Assam .. ...           | 0.14 "       | 0.20 "       |

It is remarkable that during the seven years while the collection of income-tax and super-tax has marked a fall almost in every province, U.P. tells a different tale; and this fact which bears striking evidence of the business expansion of U.P. during the years of reforms is itself a ground why the number of seats for commerce and industry for U.P. should be raised from what was allotted 14 years ago.

6. The Government of U.P. have themselves recognised the need for increasing the number of commerce seats in the Legislature. It is also important to recall here the circumstances under which not more than *three* seats came to be allotted for commerce and industry even under the reforms of 1919. The Southborough Committee in 1918 were supplied with a note by U.P. Government which in fact was the genesis of the number of seats at

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present allotted to commerce and industry. The Local Government put the number of these seats at three on the basis that the total number of seats in the Council would be 100 (*vide* Southborough Report, p. 198). Unfortunately the total number was eventually raised to 123 or by about 25 per cent, but the number of commerce and industry seats was left at the figure originally proposed by the Local Government.

7. In the recent years when the opportunity presented itself, the Local Government, however, did not fail to urge an increase of commerce seats in the Legislature. In their memorandum submitted to the Central Franchise Committee, the U.P. Government observed that "in order to provide for the possibility of the changes in the composition of the Chambers and also for the increase in the size of the Legislative Council, they would prescribe the seats representative of commerce as five in number and would give to the Governor power to nominate from time to time the bodies which should be allowed to elect the members" (*vide* Franchise Committee Report, Vol. II, p. 300). The recommendation of the Provincial Franchise Committee, which was made independently of the note of the U.P. Government to the Central Franchise Committee, urged that the number of commerce seats should be raised from three to four in the reformed Assembly (*vide* Franchise Committee Report, Vol II, p. 402). It will be seen, therefore, that the official recommendation has systematically been in favour of raising the number of seats for commerce and industry.

8. There is still one more special consideration of a general character which points to the need for strengthening the commercial element in the U.P. Legislature. The economic life of the province is in need of urgent transformation along a commercial and industrial direction. The essential weakness in U.P.'s economic position is revealed from the following figures of income tax collected in various provinces in the year 1931-32.

| Name of Provinces. | Tax collected (in Crores of rupees). | Tax paid per capita (in rupees and annas). |
|--------------------|--------------------------------------|--|
| Madras .. ..       | 1.52                                 | 0 5.4                                      |
| Bombay ... ..      | 3.53                                 | 1 15.3                                     |
| Bengal ... ..      | 3.40                                 | 0 10.8                                     |
| United Provinces   | 0.98                                 | 0 3.2                                      |
| Punjab ... ..      | 0.71                                 | 0 4.9                                      |
| Bihar and Orissa   | 0.54                                 | 0 2.7                                      |
| Central Provinces  | 0.48                                 | 0 5.1                                      |

The Council are aware that the income-tax figures are not a measure of the agricultural wealth of the Province. But these figures studied along with the figures of the average deposit per head per each co-operative society in various provinces go only to confirm the impression that U.P. has a large economic leeway to make up. Later in the memorandum the Council will point out that compared to the other provinces her industrial interest is large enough, but judged in terms of her own needs for the proper economic sustenance of a very large population, productive enterprise of the province in the non-agricultural sphere has hitherto been inconsequential. It is necessary, therefore, that public opinion be educated in favour of expansion of business enterprise, new plans be laid for this and new atmosphere created therefor. And in no way can such efforts be more fruitful of success than by the presence of a sufficient number of representatives of commerce and industry in the highest councils of the province. With a solitary Indian member representing commercial interests in the Provincial Council, his would be a cry in the wilderness of uninformed public opinion. It would be pertinent in this connection to point out that during the twelve years of the working of the reformed constitution not a single Indian business man could be returned to the U.P. Legislative Council from any of the general constituencies.

9. The Council have hitherto argued for an extension of representation of the commercial interests. They fully trust it will be possible for the Select Committee to respond to such a request, either by increasing the total size of the House or by relieving two seats from the general constituencies. In the interest of maintaining communal proportion, the Council will have no objection under the latter event to accepting one seat for a Moslem candidate and one for a non-Moslem. A revision of the composition of the Lower House of the U.P. Legislature seems also to have been urged from other quarters, and the Council feel that the composition of the House as announced in His Majesty's Government's award of August last year will have to be modified, at least for some minor adjustments. In the event, however, of such an adjustment in favour of the extended representation of commercial interests in the U.P. Legislative Assembly not being considered feasible, the one seat for Indian commerce should be given to this Chamber

17<sup>o</sup> *Julii*, 1933.]

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by abolishing the present constituency for Indian commerce.

10. Reluctant as the Council would ordinarily have been, they are constrained for their present purpose to institute a comparison between the Indian Chamber which now returns one member to U.P. Legislative Council and this organisation. The opinion of the Local Government as regards the domination of non-business element in an institution designed to represent business interests has already been quoted in the original statement. It now remains for the Council to point out that out of the total membership of that Chamber, about 50 per cent. are represented by those who had actually tendered resignation, but whose names are being still maintained in the membership list, by the practising lawyers, by those whose firms have been closed, by those who are members of teaching or other professions and by those who even, though severally enrolled, are actually related to one firm only. Even though there are some merchants and still fewer industrialists on the roll, the tradition of work is such as the body can hardly be said to function at all. The organisation returning the Indian commerce representative to U.P. Council since 1921 did not think it worth while to officially lead evidence before the Industrial Commission in 1917 (*vide* Commission Report—Minutes of Evidence, Vol. I, p. 271). Only so recently as 1929 this body did not place any evidence before the Royal Commission on Labour. In striking contrast to this picture the Merchants' Chamber is a live organisation of active business men representing a capital of about 20 crores of rupees (20,00,00,000). On the industrial side, it has on the roll members who are employers of not less than 25,000 labourers in the province. The varied character of the industries and trades represented by the Merchants' Chamber will appear from the classified list of the members attached to the original representation and the supplementary list annexed to this memorandum.

### III.—Provincial Legislative Council.

11. The Council will now turn to an examination of the composition of the Legislative Council in U.P.

Part II of Appendix III of the White Paper indicates in broad outlines the composition of the proposed U.P. Legislative Council. It appears that in striking contrast to the composition of

the parallel machinery of Bengal and Bihar and Orissa, there is no provision for the election of members to the Upper House of this province by the Legislative Assembly (Lower House). The Council consider this as a rather unfortunate omission. It must not be understood, however, that the Council favour as a matter of general principle a system of indirect election to the preference of direct election. No such preference is at all intended to be conveyed. But in the constitution of the Upper House of the Legislature which is designed to serve as the representative organ of special interests, a system of indirect election, such as by the Lower House, would have probably been in accordance both with the political thought and practice in other countries. The view that the Council of this Chamber take is that if, as proposed, out of the 60 members of the U.P. Legislative Council as many as 51 are to be returned by a system of direct election from general constituencies, the real object of an Upper House will not be fulfilled. The Honourable Ministers in their note on the Second Chamber accompanying the letter\* of the Government of U.P. remarked "We think that the Second Chamber should consist of members mainly elected by recognised Landholders' Association and similar bodies." With this plea of institutional representation the Council of the Merchants' Chamber are in entire concurrence. Even if institutional representation may not be made the "main" plank, it should nevertheless find some scope in the scheme of the composition of the Upper House. For such a scheme not only ensures the representation of those special interests which may not be represented by a system of general election, but would also secure to the debates of the Upper Chamber opinion that is at once well organised and well informed. It is felt that the effect of these suggestions may be given by reducing the number of seats to be filled by election from general constituencies, three from Moslem constituencies and six from general constituencies. It need hardly be added that of the nine seats thus suggested to be set apart for institutional representation, not less than two seats should be reserved for representation of this Chamber.

\* Letter No. 4949 C. dated the 23rd August, 1930, from Chief Secretary to Government, U. P., to the Government of India, Reforms Office.

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[Continued.]

## IV.—Federal Assembly.

12. The Council had already in their first representation pointed out how the case of Indian commerce for representation in the Central Legislature was ignored by the Franchise Committee and how His Majesty's Government in their proposals of March last, even though strengthening the representation of commerce of Bengal and Bombay in the Central Legislature, failed to make good what was in effect a total omission of representation of Indian commercial interests of U.P. The unfairness of such an omission cannot be sufficiently emphasised. Figures have been adduced earlier in this memorandum to indicate how the number of companies assessed to income tax in U.P. is higher than in Madras and is, in fact, the highest of all provinces barring Bengal and Bombay. The province is *par excellence* the seat of the sugar industry. In regard to it U.P. has the same predominant share as Bengal of jute or Bombay of cotton industry. It is estimated that 75 per cent. of the sugar product of India is now contributed by

this province, and, taking India's consumption of sugar at 1.2 million tons, U.P. will in the course of another year develop an industry turning out food products estimated at over 15 crores of rupees in value. In regard to cotton textile industry, U.P.'s place is only second to that of Bombay, as would be seen from the following statistics of cloth and yarn products in 1931-32.

|               | Yarn in<br>million<br>pounds. | Cloth in<br>million<br>yards. |
|---------------|-------------------------------|-------------------------------|
| Madras ... .. | 87                            | 68                            |
| Bengal ... .. | 37                            | 79                            |
| U. P. ... ..  | 89                            | 144                           |

Other provinces need not enter the picture, as their share in the cotton textile industry is inconsequential. There is, moreover, a whole host of other industries in the province, e.g., leather, wool, glass, flour and oil industries. But the real commercial importance of U.P. lies, apart from her sugar and cotton industries, chiefly in the internal movements of her rich crops. The following table will serve to bring home the point:—

*Estimated yield of principal crops in various provinces in 1931-32  
(in million tons).*

|                  | Wheat. | Linseed. | Rape and<br>Mustard. | Seasamum. |
|------------------|--------|----------|----------------------|-----------|
| Bombay ... ..    | .6     | .01      | .02                  | .08       |
| Madras ... ..    | —      | —        | —                    | .1        |
| Bengal ... ..    | .03    | .2       | .1                   | .03       |
| U. P. ... ..     | 2.6    | .2       | .4                   | .1        |
| Punjab ... ..    | 3.2    | —        | .2                   | .03       |
| B. and O. ... .. | .5     | .09      | .1                   | .03       |

All these grains and seeds are export crops, the movements of which from producing centres to the ports give rise to an extensive trade. The United Provinces being the granary of grains and seeds has the largest share in their internal trade movements. But owing to an absence of any internal trade statistics, the extent of U.P.'s contribution to the foreign and internal trade cannot be accurately measured. But that their size is large follows from the figures of crop tonnage set forth above. A non-agricultural export trade in which U.P. has the most important contribution is that in raw hides and skins.

13. Having described at length the space which U.P. fills in the commercial canvass of India, it remains for the Council to emphasise that the interest represented by this organisation is no less large than those Indian Chambers of Commerce of Bengal and Madras for whom the Franchise Committee recom-

mended seats on the Federal Assembly. From a detailed examination of this point the Council of the Chamber deliberately refrain. While it is far from Council's mind to suggest that they grudge their sister organisation the electoral privilege, the Council only claim that such a privilege be extended to this Chamber as well.

## V.—Provincial Finance.

14. The Council would next turn to invite the Committee's attention to a matter of provincial finance and would in this connection refer in the first place to paragraph 139 of the White Paper of May last. This paragraph read with paragraph 57 of the Introduction to the Proposals raises a point of vital interest to the financial aspect of the future constitutional advance of this province, viz., the extent to which the receipts from income tax should be distributed among the provinces and the basis on which such



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[Continued.]

distribution should proceed. The former is an aspect of the case which affects all the Indian provinces equally and as such does not call for any special attention from any one particular province. But the basis of distribution of the available resources of income tax in the future federation of India is a matter which should evoke the maximum interest of all those who have the good of the province in their heart.

15. The fact need hardly be stressed that United Provinces is one of those two Indian provinces whose income *per capita* is the lowest under the present financial arrangement. A glance at the following table of expenditure of Provincial Governments per head of population based on the budget estimates for the year 1929-30 will bring home the observation:—

|            |         |            |         |
|------------|---------|------------|---------|
| Madras ... | Rs. 4.1 | U. P. ...  | Rs. 2.7 |
| Bombay ... | Rs. 8.2 | Punjab ... | Rs. 5.5 |
| Bengal ... | Rs. 2.5 | C. P. ...  | Rs. 3.7 |
|            |         | Assam ...  | Rs. 3.9 |

This financial plight of the province is all the more remarkable in view of the fact that during the working of the present reforms, U.P. is one of the provinces in which spending power was increased in the most marked manner owing to the complete remission of the provincial contribution in the year 1927-28, the province gaining no less than by 2.40 crore of rupees on this score. It is scarcely arguable, on the other hand, that the financial poverty of the province is attributable to the deliberate policy of keeping taxation at a low level. In point of land revenue, the mainstay of the provincial resources, U.P. is decidedly the heaviest taxed province. The land revenue of this province per acre is the highest according to the acreage figure of 1927 and the actual revenue of 1929-30. The following figures are in this respect instructive:—

| (Figures in rupees) |                             |                           |
|---------------------|-----------------------------|---------------------------|
|                     | Based on total land accord- | Based on cultivated land  |
|                     | ing to Survey.              | including current fallow. |
| Madras ..           | -57                         | 1.2                       |
| Bombay ...          | -61                         | 1.1                       |
| Bengal ...          | -65                         | 1.2                       |
| U.P. ....           | -88                         | 1.6                       |
| Punjab ...          | -43                         | .9                        |
| B. & O. ...         | -32                         | .5                        |

The Council of the Merchants' Chamber do not consider it necessary for them to emphasise the point further. The need will be well recognised that if the new constitutional machinery that is now

being envisaged were to work with anything like a success in this province, its financial resources must be particularly strengthened. The serious set-back which the financial prospect of this province has undergone in the last three years of protracted discussion on constitutional revision make the Council look upon the position with the greatest anxiety.

16. The position briefly stated is this: In the Layton Report prospects were held out that apart from a dole from income-tax receipts the provinces would benefit by sharing the proceeds of such national excise as on tobacco, matches and salt. Unfortunately the prospect of a plethoric Provincial Fund has since receded into the horizon and the only source of augmented provincial revenue is for all practical purposes now confined to the share of income-tax receipts made available to the province. The point of supreme interest—and it is here that the Council of Merchants' Chamber must lay the greatest stress—is that while according to the Layton recommendation the Provincial Fund was to be distributed among the provinces according to population, the point is now still undecided as to how the provincial share of the income tax is to be doled out among the provincial claimants. The ground for the gravest apprehension arises from this, that the Federal Finance Committee definitely recommended that the bulk of the income-tax revenue (six-sevenths of the personal tax) should be distributed not according to population but on the basis of collection. The difference in the effect of the Layton and Percy Committee recommendations in the matter of new revenue for the provinces may be read from the following Table:—

| (Figures in crores of rupees) |               |              |
|-------------------------------|---------------|--------------|
|                               | Layton Award. | Percy Award. |
| Madras ...                    | 6.24          | 1.83         |
| Bombay ...                    | 4.76          | 3.43         |
| Bengal ...                    | 7.70          | 4.05         |
| U.P. ...                      | 6.09          | 1.23         |
| Punjab ...                    | 3.51          | .91          |
| B. & O. ...                   | 4.24          | 1.07         |

17. The table is sufficiently instructive and the Council do not consider it necessary to comment on it at length. The United Provinces is the second most populous province in India. With the material and moral well-being of over 48 million population committed to her, her administrative responsibility is proportionate to the heaviness of her charge, and it is clear as daylight that if any new resources can be made available to

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the Provincial Governments, they should be made to share them proportionately to their respective population. Any other basis of distribution would be a grievous wrong to this province and would result in the transfer of new revenue to quarters where they are less urgently required. Without any intention of exaggerating their statement, the Council of Merchants' Chamber may well observe that with it is very largely bound the success of an autonomous government of this province as is being worked out for the near future.

18. One more proposal remains to be put forward. According to paragraph 138 of the constitutional proposals in the White Paper of March last, the terminal tax receipts even though intended to benefit the provincial revenue were suggested to be pooled on an all-India basis. In other words, while provinces are expected to benefit from the levy of such a tax, no province can resort to such a taxation on its own initiative, or can claim for itself the exclusive benefit of a tax on its outward or inward traffic, rail or river-borne. The Council of the Merchants' Chamber find themselves in opposition to such a proposal. U.P. is one of those provinces in which a terminal toll and tax are already in force in 48 municipalities out of 85. A terminal tax system may thus be considered to be fairly developed in this province. Should the Provincial Legislature be induced to replace these resources of municipal authorities by a direct local tax, it would be easy in this province to have a full-fledged system of terminal tax on a provincial basis. It is not necessary here to enter into a detailed examination of this question. It is enough to recognise that such financial developments are at once possible and plausible. In view of such developments, the Council would suggest that terminal tax should be recognised as a source of revenue exploitable at the option of each province on a par with other sources mentioned in paragraph 138 of the White Paper proposals. In the assignment of a part of the Jute export duty to the producing units the principle has been recognised that when the produce of a province is exported out of the province of its origin, such export is amenable to taxation for the benefit of the province. A land-locked province like U.P. should have the identical right to tax the demand for her goods. It is no doubt recognised

that a terminal tax indiscreetly levied re-acts adversely on the taxing province itself, but where suitable commodities are available for such treatment, the field should be left open to the desiring province to operate in.

B146. I think I am right in saying that at the end of paragraph 5 of your first Memorandum you give as the reason for the formation of your body, which is a comparatively recent one, that "As a result of considerable dissatisfaction which had been felt for some years past with the manner in which the United Provinces Chamber of Commerce was functioning and the predominance of the legal element in it, and as efforts to improve that body were unsuccessful the leader of Indian mercantile community"—is that one particular leader?—It should be "the leaders."

B147. Were they members of the other Chamber? Did you leave the other Chamber of Commerce so as to form this?—There were a few who came out of the other Chamber, but there were others who came in the new Chamber afterwards.

B148. Was there any particular thing that made you take the decisive step of forming a new Chamber?—There were so many factors connected with that.

B149. Would you state what they were?—To be brief, that body was really not functioning as a commercial body at all. It was dominated by people who were not businessmen in the real sense. The tradition of the work of that body had all along been such that it could not be said to have functioned. For example, it never took any interest in matters of commercial importance. It merely acted as a sort of post office, if I may put it that way, to distribute the communiqués from the Government. They never initiated anything of commercial importance. Matters which were very important were not dealt with by that body at all. For example, that body did not appear before the Industrial Commission, Royal Commission on Labour, the Central Banking Committee, the Franchise Committee, or the Tariff Board regarding sugar protection. It was really an inert body in the strict sense. It was not working at all, and the business community naturally felt that it was high time that with the growing development of the Province, the commercial community should be organised in such a way that

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it could, really speaking, safeguard the interests of the commercial community.

Nawab Sir *Liaqat Hayat-Khan*.

B150. You are asking for special representation on the Legislatures?—Yes, Sir.

B151. Assuming that you get it, do you think the other body which calls itself the Chamber of Commerce of the United Provinces would have a legitimate grievance at being omitted, or not given special representation, or do you think the representation given to you would adequately represent that Chamber, too?—I think that if a body which I have described in so many words just now can keep on enjoying the privilege of being an electorate for safeguarding commercial interests, the very principle of safeguarding commercial interests falls through.

B152. My question was slightly different from what you have understood it to be?—I am sorry.

B153. Supposing you were given the special representation which you are asking for, do you think the other body which calls itself the United Provinces Chamber of Commerce will be satisfied that your representative does represent commerce in the United Provinces adequately in the Legislature, or do you think they will have a just grievance that their Chamber has not been given a chance, whereas you have been given a chance and are not adequately representing the Province?—I do not think they ought to have a grievance. It is a question of the representation of the commercial community as a whole.

B154. You think any representation given to you would satisfy the commercial community in the United Provinces?—Yes, Sir.

Mr. A. H. *Ghuznavi*.

B155. Mr. Bashir, from your Memorandum No. 2 I find that you are Senior Vice-President of the Merchants' Chamber of the United Provinces?—Yes, Sir.

B156. You are a barrister-at-law?—I am a barrister, but I am not practising at all. I am not even enrolled in the High Courts. I am an active business man. I took law only with the intention that it would help me in my business.

B157. What is your business?—My main business is hide and skin export. I am interested in sugar, cotton-ginning, a boot factory and in tanneries.

B158. You gave in answer to the Lord Chairman the reason why it was necessary for you to establish this new Chamber?—Yes.

B159. Will you elaborate it a little more—what other reasons were in your mind when you formed this Chamber than what you have said already? Was it not a fact that they had not any Muslim members of that Chamber when you contemplated the organisation of this Chamber?—Up till then they had not many Muslim members. Moreover, the membership of that Chamber has not been stable at all. People have been coming in and going out. To quote just one case for example, they had about 106 members in 1926. If their present list is seen now it will be found that there are only 33 members of those 106 on the roll of that Chamber. People have been added and are falling out, but I cannot say that the commercial interests in which the Muslims are interested have been duly represented in that Chamber. (Mr. *Purkayastha*): A very large number of business men kept away from that Chamber of Commerce, but after this organisation started a very large number of them came into it. The Muslim business interest of the United Provinces is a very large. The hide and skin trade is practically in the hands of the Muslim business men, but it is a striking fact that these Muslim gentlemen and firms did not at all join the older organisation, and they have come and joined us only after we have started. Still more striking is the fact that the hide and skin organisation, which is a fairly old body, have thought fit to affiliate themselves to our body.

Sir *Joseph Nall*.

B160. Might we know, as this community question has been raised, do the 109 names in the original Memorandum 37 include members of both communities?—Both.

B161. Can you say approximately how many of each?—(Mr. *Bashir*): For example, on page iii of that Appendix there are about six which are all Muslims. Then on page iv there is another.

Mr. A. H. *Ghuznavi*.] There are nine in the first place.

Sir *John Wardlaw-Milne*.

B162. What proportion of your members are Hindus and what proportion are Muhammadans—very generally?—

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About 20 to 25 per cent. in the Chamber are Muhammadans.

B163. The rest are Hindus?—Yes, Sir.

Mr. A. H. Ghuznavi.

B164. Will you give us an idea of the various interests that are represented by your Chamber?—We have given an idea in the list already.

Earl of Derby.] There is a list here which I think is very clear.

Mr. A. H. Ghuznavi.

B165. Thank you. You have given a list which is Appendix B of your Memorandum, showing the names of the firms and the industries they represent?—Yes.

B166. From that list it appears that you have got 114 members. Is not that so?—Yes.

B167. And it represents both the Hindu and the Muslim merchants?—Yes.

B168. In the Second Memorandum, Annexure A, you have given a supplementary list of your members?—Yes.

B169. Two important industries in the United Provinces are represented by the two registered associations, namely, the Glass and Bangles Industrial Association and the Hide Merchants' Association?—Yes.

B170. Both these are registered bodies who have become your members?—Yes. That is one of our special features, and we do not go in just for increasing the number of individual members. If associations can affiliate with the Chamber, consisting of a good many members themselves, it carries a great weight. For instance, the Bangle Industrial Association has about 60 members. Similarly, the Hide Merchants' Association is a very important association and has about 60 or 70 members. The Kapra (Cloth) Committee has about 800 members and if these bodies can affiliate with the Chamber it gives very great strength without increasing the number of members.

B171. These bodies which are separate associations are also members of your Chamber?—Yes.

B172. But they have never been members of the other Chamber?—No, Sir.

B173. Mr. Chopra, who has just given his evidence, said that the Government of the United Provinces and the Government of India have not recognised your Association; is that true?—No, it is not. They have recognised us in the same way as any other Chamber of Commerce has

been recognised. We have two letters from the local government and a letter from the Central Government.

B174. Will you please read those two letters?—This is letter No. 421 dated Allahabad, the 15th May, 1933, from the Secretary to Government of the United Provinces, Industries Department, to the Secretary of the Merchants' Chamber of United Provinces, Cawnpore "Sir, With reference to your letter dated December 22nd, 1932, to the Chief Secretary to this Government, I am directed to say that your request that the Chamber may be supplied with such publications and communications as are usually sent to other chambers of commerce in this province has been noted for compliance. A copy of the annual report of the Department of Industries will be supplied to your Chamber free of charge in future." This is another letter from the Government of India. Simla, the 25th May, 1933, No. 56-C (1)/33, the Officiating Secretary to the Government of India to the Secretary of the Merchants' Chamber of United Provinces, Cawnpore. "Sir, I am directed to refer to your letter dated the 30th December, 1932, and to say that your Chamber has been included in the list of commercial bodies which are supplied with important press communiques and other matters of commercial interest."

B175. From the Government of India?—Yes.

B176. Mr. Bashir, in your Memorandum you seek representation of your Chamber in the Central Legislature?—Yes.

B177. But you know that the various commercial interests have been represented by all-India organisations? Why do you seek separate representation for your Chamber?—We have shown in our Memorandum the importance of the United Provinces as a Province as compared with the other Provinces, and I feel that the United Provinces cannot be unfavourably compared with other Provinces so far as commercial importance is concerned. It is proved in the Memorandum that the United Provinces have not been treated in a fair way. There are various interests of the Provinces and there may be conflict at times between some of them and the others. To quote one ordinary instance, the export duty on hides: that question was brought up in the Assembly, and the United Provinces was not represented, but Madras had been, with the result that the duty was

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not taken off which, of course, hit very badly the exporters of that trade in the United Provinces, whereas the interest of the Madras tanners was that the duty should be retained. (Mr. *Purkayastha*.) The position is that, in spite of the representation of the All-India organisation, in Madras, Bengal, and Bombay, special representation has been allowed to the three individual Chambers of Commerce. If this could be done, our claim is that a similar privilege should be extended to the United Provinces also. Secondly, there are cases of incipient conflict of interest, and a striking instance is the hide duty, when in 1926 the Government brought in a Bill for the abolition of Hide Export Duty. By the casting vote of the President the duty was allowed to remain, and the result of the continuation of the duty has been disastrous. Only just recently we have addressed the Government on the subject.

B178. Would you give us what your attitude would be towards the United Provinces Chamber if an additional seat were found for you?—(Mr. *Bashir*.) I have already submitted that we are the really truly representative body of commercial interests there, and if a body does not truly represent the commercial interests the principle of safeguarding those interests falls through.

B179. Give us some of the distinctive features of your Chamber?—I have given one, that the associations are affiliated to our Chamber. All the Members of this Chamber are in active business. They are not merely indirectly interested in business, or people who are not in business at all.

B180. You mean to say they are not directors or ex-directors of certain companies, as has been the case with the other Chamber? All your members are in active business?—Yes.

Mr. *F. S. Cocks*.

B181. Do you say you represent purely Indian commercial interests?—Yes, Sir.

B182. Have you any membership under European control?—There is one member, the Delta Hide Company.

B183. Only one?—Yes.

B184. The capital represented by your Chamber is about 20 crores?—Yes.

B185. You say it is nearly ten times the capital represented by any other Chamber?—Yes.

B186. If you heard that another Chamber also claimed that they represented 20 crores, would you say that was slightly

optimistic?—Yes, I would say that, and there are ways and ways of putting things.

Sir *John Wardlaw-Milne*.

B187. How do you get at an estimate of 20 crores?—It is really just an estimate. It is very difficult to find out.

B188. Would it be too strong to say it was guesswork?—I would not say it was mere guesswork.

B189. Do most of these firms represented upon your Chamber publish accounts? Are there companies?—There are many like that.

B190. In which you can get at the amount of the capital?—Yes.

B191. Is that usual in Indian trading concerns?—It is not usual, but there are some about which we have got that information and there are some in which we have been particularly careful in putting down figures and adding them up.

Mr. *A. H. Ghuznavi*.] The witness meant they had many limited liability companies as their members.

Sir *John Wardlaw-Milne*.] I understood.

Lord *Snell*.

B192. If I understand aright, your claim to justify the starting of your Association was that the other Association did not cover the whole of the commercial interests of the United Provinces?—It is not merely that they did not cover the whole, but if they did cover certain of the industries or the trades it was really through very minor people who were not, really speaking, very big people in the trade.

B193. I thought I heard you say that there was only a small proportion of Muslim members in the other Chamber?—No, my Lord; there are none at all.

B194. I put it the other way. Therefore you felt there was a real reason for your starting this new organisation?—No it was not because Muslim members were not there that we felt that we really ought to start this Chamber. It was the dissatisfaction on all other matters that really made us start this Chamber.

B195. But also because it was not, as I suggest, fully representative?—No, it was not fully representative.

B196. What I now want to ask you is: Is it true that your Association represents what we may call smaller business concerns than the other?—No, my Lord.

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B197. It is not?—We have small concerns. We have very big ones indeed.

Mr. A. H. Ghuznavi.] I would refer you to Memorandum No. 36.

Lord Snell.] What proportion of the small commercial people belong either to your or to any other Chamber of Commerce?

Sir John Wardlaw-Milne.] Do you mean out of the total number of traders in the Province?

Lord Snell.

B198. Yes—a very small number, presumably?—Yes, a very small number.

B199. The Chambers of Commerce tend to be made up of people who have substantial business interests?—(Mr. Purkayastha.) We have on our roll the solitary jute mill of the United Provinces, and a fairly large number of big sugar factories. Most of them are with us, and besides there are a number of small firms of dealers—people who are interested in the movement of agricultural crops from the producing centre of the port, people who are importers of piece goods, commission agents of mills. We have on our roll the entire or a very large part of the commercial life of the United Provinces, of which Cawnpore is the principal focus.

B200. How much of a commercial man must a member of your Society be; how big a capital must he have? Could small commercial men employing five, 10, or 20 persons be members?—(Mr. Bashir.) That is not what we have been trying to do.

Earl of Derby.

B201. Do you make any distinction in your membership between the size of the businesses that want to join you, or do you accept them as a business, regardless of size, if you think that business is representative of the particular industry?—We try to be careful that we do not have just ordinary people or ordinary business men or very small business men just dealing in that trade. For example, we had before three or four hide merchants. Now that the whole of the Hide Merchants' Association has become a member we will probably not enrol anybody individually at all because the whole of that trade would be represented by that Association. Similarly, the Kapra Committee, the Cloth Committee: once they come in we would probably not enrol individual members at all because the whole of that trade would be represented by that Association:

B202. If my friend Mr. Ghuznavi were in that trade in a very small way would he be eligible to join your Chamber?—Probably there would be no bar, but we would not take him if he was a very small man.

Mr. A. H. Ghuznavi.

B203. You have no rules restricting taking in small men?—(Mr. Purkayastha.) No; but we are not keen on swamping our membership.

Lord Rankellour.

B204. Have you any definite qualification in your rules which a man must have, of any kind?—(Mr. Bashir.) I have with me my Articles of Association: "All persons, associations, firms or corporations (incorporated in India) directly engaged, interested in or possessing expert knowledge of trade, commerce, manufacture, industry, transport, banking, finance, or insurance, and having a place of business in the United Provinces of Agra and Oudh, who shall be duly nominated and elected and shall pay their subscription as hereinafter provided, shall be deemed as ordinary members."

B205. Did you say something that led me to think that there was some unfair discrimination in the election, or the failure to get elected, of persons in the other body of the United Provinces? I thought you suggested there might be some unfair discrimination in the election of persons to the other Chamber?—There was no unfair discrimination, but they took in people who were probably indirectly interested in trade.

B206. You do not think they rejected people who ought to have been elected? You do not suggest that?—No.

B207. Would you be satisfied if you had one seat and the other body had one seat, or do you think that would not suit you?—If I have to make a definite answer I will certainly say no.

B208. Have you got the White Paper, page 107, Section IV, Appendix V 2 (b): "Franchise for Special Constituencies" in the United Provinces?—Yes.

B209. We know it is provisional, but it suggests there that there should not be a constituency of any Chamber of Commerce but that persons belonging to either of two Chambers of Commerce should be entitled to vote. For all we know, they might vote for all the three seats. Would you be satisfied if your Chamber were added to those two, that



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is to say, all members of your Chamber, the United Provinces Chamber, and the Upper India Chamber, were all made electors to vote for the three members? Would that satisfy you—or possibly four members, with one register of electors for all the Chambers?—The other Chamber which the commercial community thinks is not really a representative body comes in there still.

Lord Rankeillour.] Would you disqualify the members of that body from being entitled to vote on one register of commercial people, because that seems to be what is contemplated there?

Sir Hubert Carr.] The Upper India Chamber of Commerce is largely European, and you will remember the Franchise Committee went into the question of perhaps joint electorates for Indian and British commerce, and they decided that the present time was not ripe for it and that European commerce should have a separate constituency from Indian commerce.

Lord Rankeillour.

B210. So I thought, but this does not seem to bear it out. It seems to be merely one register?—(Mr. Purkayastha.) No. That is not the present position.

Sir Joseph Nall.] The last line of subsection (b) of paragraph 2 of Appendix V on page 107 of the White Paper, says: "are qualified as electors for the constituencies," in the plural, "comprising their respective Chambers."

Lord Rankeillour.

B211. We will leave the Upper India Chamber out. You would not like to be on one register with members of the United Provinces Chambers?—(Mr. Bashir.) No, my Lord.

Mr. Isaac Foot.

B212. Would a lawyer who was interested in commerce not be entitled to be a member of your Association?—No, because he will not be in active business.

B213. Do I understand that in India you may not have a lawyer who is a director of a company or a firm?—That is not active business.

Sir Joseph Nall.] You mean that is not active practice. He is not practising as a lawyer if he is in business.

Mr. Isaac Foot.

B214. No, I do not think he means that. You are a lawyer interested in commerce?—No, I am not even enrolled in the High Courts for practice.

B215. Take a lawyer who may be giving some part of his time to the practice of his profession, but who devotes a large part of his time to the conduct of a business, or is a director of a firm: would not he be eligible for membership in your Chamber?—If his profession really is law he would not be eligible for membership in our Chamber.

B216. You have some members of your Merchants' Chamber who are also members of the other Chamber of Commerce, have you not?—The United Provinces, do you mean?

B217. Yes?—They have all resigned from that Chamber and their resignations have not been accepted. That is how they are on the roll there. It is the other way. There are about 12 people who have resigned from their Chamber and they are our members, but they have not accepted their resignations because it would have brought down their roll.

B218. As soon as their resignations have been accepted you will have an absolutely distinct membership of your Association?—Yes.

B219. There will be no one on your Association who is a member of the other Association?—That is so.

B220. Is there anything more than commerce behind this? Has there been some personal quarrel or disturbance that has given rise to these differences between you?—No, Sir.

B221. Is there a difference between two big men or are there two big men who are fighting over this business?—No.

B222. It is purely commercial matters?—It is purely commercial.

Sir John Wardlaw-Milne.

B223. I want to ask you in connection with your remarks in paragraph 4 of your first Memorandum where you say: "During the last 14 years there has been very considerable expansion of commerce and industry in the United Provinces, mostly under Indian control," and you refer us to Appendix A to show the number of industries working there. I notice there you say in Appendix A there are 12 cotton mills under Indian control and 11 under European control; and 114 ginning and pressing factories under Indian control and 12 under European control. Taking these two items, are ginning and pressing factories compara-



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tively small capital concerns as compared with the cotton mills?—Yes; they are much smaller.

B224. You estimated the representation in your Chamber in capital to be something like 20 crores. Have you made any estimate of the amount of European interests in commerce on the same basis?—No.

B225. You have no idea whether that would be five crores or 50?—No, Sir.

B226. You have not any idea at all?—No, Sir.

B227. In another part of your Memorandum you refer to the necessity for representation of commercial interests, but, speaking generally, would you say that the Indian commercial interests in the United Provinces compares in size, or in any way, with the Indian commercial interests, say, in Bengal or Bombay, or any other of the great Presidencies of India (I am speaking purely for the moment of Indian commercial interests), the amount of capital engaged, the amount of labour employed; taking all these things together, would you agree, not in detriment to the United Provinces, but from the conditions of the United Provinces, the United Provinces has a comparatively small interest as compared with Bengal and Bombay?—(Mr. Purkayastha.) We would not say that, barring Bombay, the Indian interest in the United Provinces compares very favourably with that in Bengal and Madras.

B228. Would you agree the interests were comparatively small in the United Provinces taking Indian and European interests together?—Yes, taking the Indian and European interests together; for this reason, that in Bengal there are certain very large industries, things like jute mills, and in Bombay there is the cotton mill industry. Even then we would be before Madras.

B229. I would ask you to refer to the foot of paragraph 6 of your first Memorandum. There you go so far as to state "that the commerce and industry represented by this Chamber is in every way equal to that represented by Indian Chambers of Commerce in Bengal and Madras"—you are merely referring there to a comparison of Indian interests?—(Mr. Bashir.) Exactly. These are the bodies recommended by the Franchise Committee for a seat to the Central Legislature, and these are the bodies we have in view, the South India Chamber

of Commerce and the Bengal Chamber of Commerce.

B230. Your first Memorandum deals purely with representation, but your second Memorandum goes a little further, and you say in paragraph 2 of the introduction: "Should the Select Committee desire to hear Chamber's views on larger issues, its representatives will be only too glad to tender evidence." I am not prepared to say that the Select Committee desire to hear evidence, but you have not thought it necessary to put forward any very direct evidence on any matters except those mentioned here, and, leaving aside such questions as Provincial finance, may I take it you are in general agreement with the White Paper proposals of the Government?—No, Sir, we would not say that, but our only idea was that we took it for granted that the Committee would not like to hear us on the all-India issues, but if we were asked on the spot we would formulate our views and lay them before you.

B231. Your Chamber has not considered the general proposals of the Government?—No, and we have no instructions to lay them before the Committee just now.

B232. And you have very wisely emphasised the importance of sound finance in the Provinces?

B233. I see in paragraph 16 you refer to the serious setback which the Province has undergone. But you will realise that if there is an extended franchise such as you desire for commerce it may mean an extended franchise generally—larger Councils—and that means more money, more expenditure?—Yes.

B234. It is hardly in favour of more economical lines in finance, is it?—Our point was that the new Government would be more expensive, and that is why we had better improve financial resources for the Province.

B235. You think the advantage of the advice of your members would go far to counteract any extra expenditure incurred by a larger Legislature. I will not press you on that. In paragraph 18 of your Second Memorandum you refer to the Council of your Chamber being in opposition to the treatment of the terminal tax. I take it it is not too strong to say that you are in favour of a continuation of these taxes?—Out of the 185 municipalities they are in force in 148.

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B236. Do I understand your Chamber as a Chamber of Commerce are in favour of terminal taxes, or do you oppose them?—If they can be avoided certainly, because they tend to act as a sort of barrier to the free movement of trade. But this has been a feature of local finance in this Province for a fairly long time.

B237. This paragraph 18 rather reads on the whole as though you favoured these taxes. I was asking whether as a Chamber you were in favour of such taxes or not?—If such taxes are there they should go to benefit the Provinces.

B238. But you do not wish us to understand that you are in favour of them?—No, but if such taxes are there they should go to benefit the Provinces.

B239. I quite understand that, but that is rather a separate point. My point is that it is not to be taken that you are in favour of terminal taxes at all?—Of course not, Sir. I did not understand that the question was being put hypothetically and as a general proposition.

B240. I had never heard of any other Chamber that was in favour of them, and that is why I asked the question. On Annexure A. on the Second Memorandum you enclose a further list of members. These are members who have been elected or appointed since the first Memorandum was printed?—(Mr. Bashir.) That is so.

B241. Has this sudden election of members been rather a feature of recent months in the Upper India and United Provinces Chambers of Commerce?—Yes, in the United Provinces Chamber of Commerce?

B242. There has been a rather sudden election?—Yes, within a month and a-half they have enrolled 20 members.

Sir Joseph Nall.

B243. The other Chamber?—The other Chamber. I have here a cutting from the "Leader" of the 27th May, 1933, giving the Minutes of the Executive Committee of the United Provinces Chamber of Commerce in which at the end they say: "Ten new members belonging to very important trades were also enlisted members to-day." They advertised the same thing in the first meeting which was held about a month before, so 20 out of their 118 were enrolled within such a short time. It has been such a distinct feature of their Chamber, but not ours.

Sir John Wardlaw-Milne.

B244. May I suggest that Annexure A of your Second Memorandum rather shows you have followed that?—We have not been in existence for very long. As far as our Chamber is concerned our membership goes on increasing.

Sir John Wardlaw-Milne.] Theirs is an unnatural growth, yours is a natural one.

Sir Joseph Nall.

B245. On the question of the terminal taxes you are an inland Province, are you not?—(Mr. Purkayastha.) Yes.

B246. You have no port?—No; it is entirely land locked.

B247. Are you at all apprehensive that any other Provinces, given the right to impose terminal taxes, might prejudice your trade?—It is very difficult to anticipate developments.

B248. Do you desire each Provincial Government to be able to do what it likes with terminal taxes, or do you want the All-India Government to have the supervision over it?—That raises an administrative side of the question which we have not considered, but I would add that if the products of a particular province were to be taxed then the benefit of taxation should go to the Province itself.

B249. That is quite clear, but have you any views as to whether the Bombay Presidency, say, should be at liberty to impose terminal taxes on goods passing through the Province to and from your Province?—Probably the Government of India should have the supervision. That is the view the Government of India themselves expressed, and we find ourselves more or less in accordance with them.

B250. On the question of representation you have indicated that your Chamber was formed solely for commercial considerations to look after commerce?—(Mr. Bashir.) Yes.

B251. I understand your representation regarding membership of Legislative bodies is entirely concerned with getting efficient representation of the commercial interests in the Government of the Province?—It is not the sole object of forming the Chamber.

B252. No; your representations now to this Committee for a place in the sun (it is suggested), or regarding places in the Houses of Assembly, Legislative Council, and so on, are

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based on a desire to get adequate representation for the views of the commercial interests?—Yes.

B253. Do you think you will get that better by electing people, or would you get it done better if the Governor nominated important commercial people to one or other House?—(Mr. *Purkayastha*.) The difficulty about nomination is that the gentleman nominated is not answerable to the constituents.

B254. Do you think one who is not answerable to a constituency is less likely to deal properly with the business than one who is elected?—The chances certainly are that way.

B255. Do I understand you prefer, in spite of all the risks and differences such as you have been dealing with in your Memorandum, that these representatives of commerce should be elected by somebody?—Yes, Sir. (Mr. *Bashir*.) Yes, Sir.

B256. Rather than that they should be nominated?—(Mr. *Purkayastha*.) Yes.

Mr. *Cocks*.

B257. What do you think of the suggestion that Indian and European business organisations should elect their representatives by a joint electorate, or would you prefer that they should be separate?—(Mr. *Bashir*.) At present as things are, I think, if it is separate it will be better.

B258. You prefer that it should be separate?—Yes.

Sir *John Wardlaw-Milne*.

B259. If they were joint electorates would a European representative ever be elected?—(Mr. *Purkayastha*.) Why not? (Mr. *Bashir*.) I should think so.

B260. You were asked if you favoured a joint electorate to both Houses?—(Mr. *Purkayastha*.) What we stand for is institutional representation.

(The Witnesses are directed to withdraw.)

Rai BAHADUR P. MUKERJEE is called in and examined.

Earl of *Derby*.

B261. Mr. Mukerjee, you were Chairman of the Punjab Chamber of Commerce from 1927 to 1931?—Yes, my Lord.

B262. You have been a member of the

Punjab Legislative Council since 1930?—Yes, since 1930.

B263. You have handed in a précis of evidence that you wish this Committee to consider. Is there anything you would wish to add to that précis?—No, my Lord. Memorandum 35 is as follows.

# MEMORANDUM 35. EVIDENCE ON BEHALF OF THE PUNJAB CHAMBER OF COMMERCE, DELHI, AND THE NORTHERN INDIA CHAMBER OF COMMERCE, LAHORE.

NOTE.—Both the Punjab Chamber of Commerce, Delhi, and the Northern India Chamber of Commerce, Lahore, are members of the Associated Chambers of Commerce of India. The witnesses on behalf of the Associated Chambers will give evidence before the Joint Select Committee on various subjects, such as commercial and financial safeguards, federal finance, etc. Therefore, the evidence which the representative of the two Chambers desires to give will be confined to the question of representation of Commercial interests of Delhi and the Punjab in the Central Legislature, owing to the peculiar position in which the Chambers are placed in this respect.

The Punjab Chamber of Commerce was established in 1905 with headquarters in Delhi, when Delhi was included in the Province of the Punjab. It has got branches in Amritsar and Lahore. The present membership of the Chamber is about 70 and the constitution of the Chamber provides that both the membership of the Chamber and its Manag-

ing Committee must have equal numbers of Europeans and Indians. It includes all the leading commercial, industrial and financial interests of Delhi and the Punjab.

The Northern India Chamber of Commerce with its headquarters in Lahore was founded in 1923. Its present membership is about 56 in approximately

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equal numbers of Europeans and Indians, embracing the leading commercial, industrial and financial interests in the Punjab.

In 1909 with the inauguration of the Morley-Minto reforms the Punjab Chamber of Commerce was accorded the privilege of electing a Member to the Punjab Legislative Council, when the number of elected seats was only 11, and the total strength of the Council 29. In 1920, under the Montagu-Chelmsford reforms, out of a total membership of 97 in the Punjab Legislative Council, the Punjab Chamber of Commerce was allotted a seat jointly with the Punjab Trades Association. Thus the privilege of independent representation enjoyed by the Punjab Chamber for over 10 years was practically halved for, and the Chamber at once protested.

On representations made to the Government, the Punjab Chamber was given to understand that this diminished representation of commercial interests was due to an oversight and hopes were held out that the Chamber's "claim for increased representation on the Local Legislative Council would be fully considered." The words under quotation were the words of a distinguished Viceroy and the following extracts from the letter, dated the 9th April, 1923, from the Chief Commissioner, Delhi, to the Punjab Government, will further explain the position:—

"The arguments for direct and separate representation on the Punjab Legislative Council by the

Punjab Chamber of Commerce are put so fully and cogently by the Chamber that I have nothing to add beyond lending the claim my strongest support.

"I trust that steps can now be taken to rectify the omission and provide the Chamber with the two seats it asks for."

The commercial community in the provinces of Delhi and the Punjab, as represented by the Punjab Chamber of Commerce and the Northern India Chamber of Commerce, have been for the last several years labouring under a grievance in the matter of representation in the legislatures. With and since the introduction of the Montagu-Chelmsford reforms their privilege of representation has been gradually restricted and the Proposals for Indian Constitutional Reform, so far as the provincial council is concerned, practically extinguish it. Three main points in this connection deserve special mention. The first is that, although with the introduction of each successive stage of reforms, the Punjab Legislative Council has been enlarged, commercial representation instead of being proportionately increased has been actually curtailed. The second point is that, while in every other Province the number of commercial and industrial seats has been increased, except in the case of the United Provinces and the Central Provinces, where it has been retained, it is only in the case of the Punjab that it has been diminished as will be evident from the statement given below:—

#### NUMBER OF SEATS ALLOTTED TO COMMERCE, INDUSTRY, MINING AND PLANTING.

| Province.             | Indian<br>Councils Act,<br>1909. | Government of<br>India Act,<br>1919. | Present<br>Proposals. |
|-----------------------|----------------------------------|--------------------------------------|-----------------------|
| Madras ... ..         | 4                                | 5                                    | 6                     |
| Bombay ... ..         | 4                                | 7                                    | 8                     |
| Bengal ... ..         | 6                                | 15                                   | 19                    |
| U.P. ... ..           | 2                                | 3                                    | 3                     |
| Punjab ... ..         | 1                                | 2                                    | 1                     |
| B. & O. ... ..        | 2                                | 3                                    | 4                     |
| C.P. ... ..           | Nil                              | 2                                    | 2                     |
| Assam... ..           | 3                                | 6                                    | 11                    |
| Orissa (New Province) | *                                | *                                    | 1                     |
| Sind (New Province).. | *                                | *                                    | 2                     |

Even Orissa, the proposed new Province, with a population of 6.7 millions, has been allotted one Commerce and In-

dustry Seat, and Sind, with a population of 3.9 millions, two such seats in the respective provincial assemblies.

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The third point is that Labour in the Punjab Legislative Council has hitherto been represented by one nominated seat but under the Communal Award Labour is to have three seats. It is not the concern of the Chambers to point out the difficulties of obtaining proper representation of Labour in its existing unorganised condition in the Punjab, nor do they object to increased representation of Labour, but they certainly protest against commercial and industrial interests of the Province being granted a very much smaller representation in the provincial legislature as compared to Labour. It will be observed from the tabular statement given in Appendix III (Part I) of the *Proposals for Indian Constitutional Reform* (page 79, Indian Edition) that in no other Province, except in the Punjab, Commerce, Industry, etc., the employers of labour as such, have been awarded a less number of seats than Labour itself.

The grievance of the two Chambers has from time to time been brought to the notice of the Government, both Central and Provincial, as well as the Right

Honourable the Secretary of State for India. The Chambers, however, note with gratification that in the proposals for Indian Constitutional Reform one seat has been reserved in the Federal Assembly for "Northern India Commercial Bodies," and the Chambers pray that this seat be reserved for the Punjab Chamber of Commerce and the Northern India Chamber of Commerce, either jointly or by rotation, on the following amongst other grounds.

The first is that the Punjab Chamber is representative of the commercial, industrial and financial interests of the Punjab, and so is the Northern India Chamber of Commerce; and in addition the Punjab Chamber represents these interests in the Delhi Province. It is well known that Delhi is the largest up-country commercial centre and that the trade which passes through it, or is distributed by it, is of immense volume. Statistics for accurately ascertaining its commercial importance are unfortunately not available, but the following statement may serve to illustrate its industrial position:—

| Province.   | Area in<br>sq. miles. | Population. | No. of<br>industrial<br>labourers. | Percentage of<br>industrial<br>labour to<br>population. |
|-------------|-----------------------|-------------|------------------------------------|---|
| Madras ...  | 142,260               | 42,318,985  | 143,217                            | 0.3   |
| Bombay ...  | 123,621               | 19,348,219  | 366,029                            | 1.9   |
| Bengal ...  | 76,843                | 46,695,536  | 589,860                            | 1.5   |
| U.P. ...    | 106,295               | 45,375,787  | 91,188                             | 0.2   |
| Punjab ...  | 99,846                | 20,685,024  | 49,875                             | 0.2   |
| B. & O. ... | 83,161                | 23,330,288  | 68,726                             | 0.3   |
| C.P. ...    | 99,876                | 13,912,760  | 69,291                             | 0.5   |
| Assam ...   | 53,015                | 7,606,230   | 45,884                             | 0.6   |
| Delhi ...   | 593                   | 488,188     | 10,109                             | 2.0   |

It will be observed that, though the smallest, Delhi has an industrial importance proportionately greater than that of any other Province in India. The Chambers would mention that almost the whole of this industrial labour is in the employ of firms and companies who are members of the Punjab Chamber of Commerce. These industrial interests and the admittedly enormous commercial interests of the Province, find no representation in any legislative body. Having no separate legislature in which to be represented, as the Province is under the direct control of the Government of India as one of the Centrally administered areas, these interests have a strong claim to representation in the Central Legislature.

The second consideration which the Chambers would urge is that for the loss of representation which the Punjab Chamber has sustained at each successive stage of the reforms, it may be compensated by the award of a seat in the Federal Legislature. The Punjab stands out as the one exception where representation of Commercial interests, far from being proportionately extended with the enlargement of the Councils, has actually been restricted.

The third consideration to which the Chambers would respectfully solicit the attention of the Joint Select Committee is that the grant to the two Chambers of a seat in the Federal Legislature will not interfere with the balance of representation of either European or Indian

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[Continued.]

Commerce at the Centre by reason of the fact that under its constitution the Punjab Chamber is composed of an equal number of European and Indian firms and companies, and so is the Northern India Chamber of Commerce in practice. Indeed, a seat given to the two Chambers would meet the view expressed by some Members of the Franchise Committee that if Indian and European commercial interests could agree to combine for the purpose of representation in the legislatures, effect should be given to this arrangement.

Sir Hubert Carr.

B264. Mr. Mukerjee, your representation, as I understand it, is not only with regard to representation, but also the make-up of the Constituency?—Yes.

B265. I would like to get this clear about the difference of opinion which I believe exists in the Punjab as to the make-up of the constituency. In Appendix II of the White Paper in the Table you will notice there are 11 seats reserved for Commerce and Industry?—Yes.

B266. Six are expected to be European and five are expected to be Indian?—Yes.

B267. If you would turn to Appendix IV, Section 14 (that is page 102 in the English edition), you will notice there that a seat is reserved for the Northern India Commercial Bodies?—Yes.

B268. You know that the claim put forward by the Associated Chambers and the European Association is that this seat for the Northern India Commercial Bodies should be reserved for a constituency formed of the Punjab Chamber of Commerce, the Northern India Chamber of Commerce, and the Trades Association?—I have heard of it.

B269. Would that constituency be agreeable to you?—No, Sir.

B270. What is the objection?—The objection is that we do not want trades to come into that constituency—the Trades Association.

Sir Joseph Nall.] I do not follow. What trades?

Sir Hubert Carr.

B271. There are three Associations. The Trades Association in that constituency has been in that constituency for some years, I understand?—The Trades Association has been in that constituency since the Montagu-Chelmsford reforms. That we were given to understand was by an oversight, and we have been

objecting to it for the last 12 years or more; that trades should not be in that constituency. If you will kindly look at the Franchise Committee's recommendation they say (although we do not exactly agree with them), "Our object is essentially to make expert knowledge available in the Legislatures, and not to give any particular voting strength to individual interests. It is unnecessary to emphasise the importance of securing the presence in these Legislatures of Indians and Europeans qualified to speak with authority and knowledge before the Legislatures." You cannot expect the representative of a Trades Association to come before the Central Legislature or any Legislature to give views on such broad subjects as industry, economics, and so on. The Trades Association is composed of small traders selling their goods from the counters, tailors, hairdressers, and the like. You cannot expect them to come into the constituency.

B272. They are largely European, are they not?—They are not only largely, they are exclusively European—perhaps there may be one or two Indian or Parsee members.

B273. Since this claim was originally made for a seat for these Northern India Commercial Bodies that seat has been accepted as a European seat, has it not, although sometimes filled by an Indian representative; yet it has been accepted as a European seat?—I think I have made it clear in my Memorandum that that seat was not reserved originally either for an Indian or a European. We are talking now about the Provincial Legislature. It was given under the Morley-Minto reforms to the Punjab Chamber of Commerce. It was never said whether it was a European or an Indian seat.

B274. It was originally made for the Punjab Chamber only?—It was originally made for the Punjab Chamber only.

B275. Which is constituted of British and Indian commerce?—British and Indian.

B276. The three chief considerations are put forward in your last paragraphs. They apply particularly to the Punjab Chamber?—The Punjab Chamber mainly, but the Northern India Chamber of Commerce also.

B277. Would you be content if the Punjab Chamber alone were the Constituency?—Naturally, personally, I should be very content because I am a member of the Punjab Chamber of Commerce.

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[Continued.]

Personally I shall be content, but here I am representing both the Chambers.

B278. Would you be content if the Punjab Chamber and Northern India Chamber joined?—Certainly. That is my mission here.

B279. The only difference between your claims and the claims put forward by the Associated Chambers and the European Association is as to the inclusion of the Trades Association?—That is so.

B280. There is no other?—No.

B281. Is it correct, Mr. Mukerjee, that since this claim was put forward the other claims have only arisen since a seat was promised in the White Paper?—Yes. What happened was this. When we saw the communal award we conferred. Although a great injustice has been done to us, as has been explained in the Memorandum, we accepted it as a settled fact. Then we went to our Governor in the Punjab and placed the matter before him, and he received us very sympathetically. His Excellency the Acting Governor at the time promised that he would do his best to give us representation in the Central Legislature. Whether he recommended it or not we do not know. Then we sought the help of the Associated Chambers; they said they would help us. Then we went to His Excellency the Viceroy. He was very much struck with our case. He said, "I have not seen such a strong case on paper as this is. I shall do whatever I can." It is through our efforts that this Northern India Commercial seat has been granted, and we shall be satisfied if it is restricted to us.

B282. That clears the point as to the difference in the Constituency?—Yes.

B283. Do you deny the United Provinces Chambers any representation? They are wishing to join with you in getting representation on the Federal Assembly on this Northern India Commercial Bodies seat. In the Northern India Commercial Bodies Constituency the United Provinces have commercial bodies which wish to join?—This is just what I hear from you. May I know what they are? May I know who these people are who are putting in their claim for this seat, because I can explain to you that the United Provinces will be very well represented out of the seats that have been granted to the Associated Chambers of Commerce and the Federated Chambers of Commerce and Industry in India. In recommending seats to them the Franchise Committee has made it clear that the port Chambers will

not be represented in the one seat that has been given each to the Associated Chambers and the Federated Chambers of Commerce. By a process of elimination, therefore, if this Northern India seat is given to us, United Provinces will come through either of those bodies. You follow me?

B284. Yes. On that basis you wish to restrict the Northern Commercial Bodies Constituency to the Punjab Chamber of Commerce and the Northern India Chamber?—Yes, and one very strong reason that we have put forward is that Delhi has not got a Provincial Council of its own and the Delhi Merchants cannot, therefore, ventilate grievances in any Legislature. If you consider the commercial importance of Delhi, you can very well give Delhi commerce a seat, but the Delhi members are prepared to share it with those of Northern India.

B285. Just one last question: With regard to the Trades Association, your objection to including them in your Constituency is not based at all upon whether the seat would ultimately be an Indian seat or a European seat, but simply on a basis of the business they conduct?—That is right.

Mr. F. S. Cocks.

B286. The two Chambers you represent are composed approximately of equal numbers of European and Indian business firms, are they not?—Yes.

B287. You have a joint electorate?—We have not got a joint electorate at present. The position is that we have not got any representation except through the Associated Chambers of Commerce in the Central Legislature. We have only one seat now in the Punjab Legislative Council, which is shared by the Punjab Chamber of Commerce with Headquarters in Delhi, and the Punjab Trades Association, with their Headquarters in Lahore. That is the position at present.

B288. The members who have been members since 1919 have not been elected by you?—No.

Sir John Wardlaw-Milne.

B289. In the fourth paragraph of your Memorandum you refer to the curtailment of representation. That is the same thing as you refer to higher up, the question of halving it ten years ago?—Yes.

B290. In the last paragraph you say: "The Punjab Chamber is composed of an equal number of European and Indian



17<sup>o</sup> Julii, 1933.]

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[Continued.]

firms and companies, and so is the Northern India Chamber of Commerce in practice"?—Yes; we have said that by Constitution. We framed a rule—

B291. In their case it is not by Constitution, but it is in practice?—They have got an equal number of members on the Committee.

B292. Otherwise your views on general questions agree with the Associated Chambers?—Except that the Trades Association should not be put into this Constituency.

B293. On matters other than representation?—That is what I put in my note.

B294. I only want to get it on the notes. You are in favour of the representation made to the Committee by the Associated Chambers?—We have to be, because we are a part of that Association.

Earl of Derby.

B295. Your Memorandum is very clear indeed. I do not think we need trouble you any further. There is nothing further you wish to say, is there?—No, my Lord. I am very much obliged to you.

(The Witness is directed to withdraw.)

Ordered, That Sub-Committee B be adjourned to Wednesday next, at half-past Ten o'clock.

## DIE MERCURII, 19<sup>o</sup> JULII, 1933

### Present:

Earl of Derby.  
Lord Rankeillour.  
Lord Snell.  
Mr. Cocks.

Mr. Foot.  
Sir Joseph Nall.  
Sir John Wardlaw-Milne

### DELEGATES.

Nawab Liaquat Hayat-Khan.  
Sir Hubert Carr.  
Mr. Joshi.

Mr. Ghuznavi.  
Sir N. N. Sircar.  
Sir Manubhai Mehta.

The EARL of DERBY in the Chair.

Mr. ASWINIKUMAR GHOSE is called in and examined.

Earl of Derby.

B296. Mr. Ghose, you are, I think, Honorary Assistant Secretary of the Bengal Mahajan Sabha?—Yes.

B297. You are also a Member of the Executive Committee of the Bengal Hindu Sabha?—Yes.

B298. You are a Member of the Bengal Provincial Congress Committee?—No, not now. It is now an illegal body. I cannot continue to be a member of it. I have been connected with the Congress for a long time. From 1906 onwards there was some connection.

(Memorandum No. 38 is handed in and is as follows):

### MEMORANDUM 38 ON BEHALF OF THE BENGAL MAHAJAN SABHA BY ASWINIKUMAR GHOSE, ESQUIRE.

#### 1. Status of Indian Federation.

All Indian politicians from the Rt. Honourable Srinivas Sastri to Congress leaders believing in Gandhi-Irwin Pact have condemned the Proposals of the

White Paper as falling short of their expectation, specially as there is no mention of "dominion status" for India. Politicians of all shades of opinion were expecting that after Lord Irwin's solemn

19<sup>o</sup> Juhí, 1933 ]

[Continued.]

declaration with the sanction of His Majesty's Government and the announcement of the Rt. Honourable Mr. Ramsay MacDonald himself on behalf of the same Government at the conclusion of the First Round Table Conference, some reference to this most important constitutional phrase would find a mention in the White Paper. On the other hand, there is a school of thought avowing Independence for India free from British connection and control. Shortly stated, the destiny of India according to those who strive for dominion status lies within the British Empire, while the school of Independence is opposed to Empire idea and Imperialism. "Dominion status" is therefore repugnant to the feelings of this school, as the words "Empire, Imperialism, Dominion" which are legacies of Roman ideas of Government mean "rule"—specially rule of one nation over another as opposed to self-rule. A reasonable reconciliation of the two ideals lies in that of a Commonwealth being substituted for that of an Empire. But even in that case, Indian sentiment would not be completely satisfied if the nomenclature adopted in the constitution of the Free State of Ireland be not appropriately altered, the equal partnership of India in the Commonwealth of Free Nations now known as the British Empire being recognised by naming it henceforward as the Indo-British Commonwealth of Nations.

There seems to be one other consideration why the Federation of India cannot be a dominion. The States of India form no part of His Majesty's dominions (White Paper, paragraph 3)—far less British dominions. They merely own the paramountcy of His Majesty the King by certain treaties. They cannot part with their rights for the sake of coming into line with British India or other British territories. By the treaties of accession they will not be converted into British dominions. So the expression "dominion status" cannot apply to them unless they give up their rights.

The clause hereby proposed to be inserted in the Constitution Act should be in the following terms:—"The Federation of India shall have the same status in the Comity of Nations called the Indo-British Commonwealth of Nations as Canada, Australia, South Africa, Free State of Ireland, etc."

The insertion of this fundamental clause would be nothing beyond a recognition of the right that India (Indian India

and British India) already enjoys as one of the original members of the League of Nations. The Federation of India will not evidently be British India. The expression "Dominion Status" cannot therefore be applicable to the Federal Constitution when it comes into being. The only solution is to have a fundamental clause like the one herein proposed to disarm as much as possible opposition to the use of the phrase from different points of view.

In any event the status of India must be statutorily recognised to make the new constitution acceptable to the people.

## 2. The Oath of Allegiance.

The oath of allegiance proposed for the Federal Legislatures as well as the Provincial Legislatures should contain a clause declaring allegiance to the Federal Constitution as well, as in the case of the Free State of Ireland. This will make for the promotion of the Federal Idea which is the pivot of the whole constitution proposed in the White Paper.

## 3. Defence and External Affairs, etc.

While reserving the administration of Defence and External Affairs in the hands of the Governor-General during the transition period on the basis of devolution of responsibility in the centre with safeguards for the present, His Majesty's Government has provided in the White Paper that Defence should form the increasing concern of the Indian people. On the same principle External Affairs also should be gradually transferred to the Indians to initiate them into self-rule from the inauguration of the new constitution. The subjects of Defence and Foreign Affairs go together, and if the first is to form the increasing concern of the people, there is no reason why the other should not. Moreover, without this sort of part responsibility with a view to the transfer of full responsibility the new Reforms will be considered to be illusory, however well intentioned they may be. The best way of making a beginning is to appoint suitable Indians as Counsellors for these departments.

The Ecclesiastical Department should be abolished and ecclesiastical matters should form a part of the Foreign Department.

A time-limit should be fixed for the complete transfer of responsibility in all these reserved subjects to the Legislature.

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[Continued.]

#### 4. *Central Responsibility.*

The salary of Ministers in the Central Government should be votable in order that they may be fully responsible to the Legislature. This is the ordinary constitutional machinery for making the Minister responsible to the Legislature understandable as such by the people. In the alternative some other suitable constitutional machinery for registering a vote of no confidence should be provided in the constitution so that the Ministry must resign on such a vote of no confidence.

#### 5. *Financial Safeguard.*

One of the safeguards under which the Finance of the Federation has been proposed to be transferred to the people is to endow the Governor-General with emergency powers to step in in certain contingencies, one of which is to preserve the credit of India in the money markets of the world. The "special responsibility" of the Governor-General in this behalf should always be exercised in the interests of India first and last. Just as in the administration of justice, not only is it necessary that justice should be done, but that it should be made to appear to the common people that justice is being done, so it is not sufficient that the interests of India should be served, but it should be made to appear that the interests of India have been looked after in the first place. As a good deal of misunderstanding exists in the matter, the "special responsibility" of the Governor-General in this behalf should, if occasion arises, be administered in such a way as to inspire confidence in the measures taken.

#### 6. *Prevention of Commercial Discrimination.*

Such discrimination in commercial matters, as among the units of the Commonwealth, is implied in the now established convention of fiscal autonomy and as such vested in the Legislature. This vested right should not be taken away by legislation. Such commercial matters should be regulated by commercial treaties and growth of conventions which should be fostered on the principle of reciprocity. A conference of the commerce and trade associations of the Commonwealth should take place to prepare the ground for the conclusion of such commercial treaties.

#### 7. *Ordinances.*

The power of making ordinances by the Governor-General or Governor should be

limited to the period when the Legislatures concerned are not sitting. None of them should have the power to embody the provisions of one Ordinance in a fresh ordinance so as to continue rule by Ordinance for a period extending beyond that limited by the statute.

#### 8. *Royal Proclamations and Instruments of Instruction.*

Many important provisions of the constitution will be relegated to the Royal Proclamations and Instruments of Instruction to the Governor-General and Governors. These should be made binding on the Courts of Law in the interpretation of the Constitution Act and the administration of justice.

#### 9. *The Judiciary and the Executive.*

As recommended by the Simon Commission, the recruitment to the Judiciary should be absolutely from the Bar and the Judiciary should be entirely separated from the Executive.

#### 10. *The Railway Board.*

The Railway Board should not be freed from the control whether general or special of the Legislature. All important commerce and trade associations should be represented on the Board.

#### 11. *Reserve Bank.*

Opinion on the establishment of the Reserve Bank and the Currency and the Exchange policy of the Government of the Federation cannot be expressed without knowing the provisions proposed for its constitution. All important trade and commerce chambers as well as bankers' associations should be represented on the Committee of Inquiry from as early a stage as possible.

#### 12. *Recruitment of All-India Services and the Secretary of State's Control.*

Nothing is more likely to stultify the provisions of the New Constitution Act as the proposals of the White Paper in this behalf excepting the All-India Services from the control of the Federal Government either at the time of their recruitment or their dismissal. The recommendations of the Lee Commission are in themselves unsatisfactory and they will be out of harmony with the provisions of the New Statute to be passed. A fresh Commission should explore the possibilities of a better arrangement with the inauguration of the Reforms instead of waiting for five years more.

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[Continued.]

The central services also should be fully under the control of the Federal Government.

### 13. *Representation of Trade and Commerce.*

The allocation of only 5 out of 19 seats in the Bengal Legislative Council to Indian trade and commerce disturbs the old proportion of such seats as between Europeans and Indians and overlooks the increasing importance of Indian Trade, Commerce and Industry. In any allocation of seats on the proposed basis also the Bengal Mahajan Sabha being the only representative association of trading interests of Bengalee merchants is entitled to two seats out of the five allotted to Indian trade and commerce.

In the Federal Assembly the Bengal Mahajan Sabha is entitled to one independent representation for each term, inasmuch as the Bengal National Chamber of Commerce and the Bengal Marwar Association will not be unrepresented in any term as they are members of the Federated Chambers of Commerce which will be represented every term. If the Bengal Mahajan Sabha is given representation by rotation with the other bodies named above, it can enjoy the franchise once in 10 years now and the voice of the trading interests of Bengalees will not be heard in the Assembly for a whole decennium, whereas in the present constitution they enjoy the right once in six years, by rotation with the above-named associations which also do not enjoy any additional representation now through other channels as proposed for them in the White Paper.

### 14. *Trade Representation in the Upper Chamber in Bengal.*

No provision has been made for separate representation of trade in the Upper Chamber of the Bengal Legislative Council. The principle of nomination of a certain number of seats by the Government is not in keeping with the representative character that has been proposed to be given to the provincial constitution. Trade and Commerce ought to be directly represented in the Upper Chamber as interests having stakes in the country. As legislation affecting local banking interests of Bengal is likely to be passed by the Lower House, the Upper House should have the local bankers' view represented before it through their representatives, whose opin-

ion is likely to carry some weight with the House in that particular question.

### 15. *Inadequate Representation of Zemindars in the Bengal Legislative Council*

The number of seats given to the landholders' constituencies in Bengal is inadequate considering the importance of their special interests. Moreover when the number of seats for other special electorates has been increased in view of the increased size of the Legislatures, the landholders who are likely to be affected along with indigenous bankers by hasty legislation by the entirely popular councils that will come into being should be adequately represented on the new Councils to place their case from different points of view before them.

### 16. *Provincial Boundaries.*

The Simon Commission recommendations in this behalf have been carried out in the case of Orissa and Sind. But the case of the Bengali-speaking areas have not been taken up as yet, and the White Paper has no provision in this behalf. This will stand in the way of the proper working of the Reforms. The Bengal Mahajan Sabha having some members carrying on business in the Bengali-speaking districts of Assam and Bihar urges the delimitation of provincial boundaries of Bengal, Assam and Bihar on linguistic, racial and cultural basis with a view to the formation of a homogenous unit of Government in the province.

### 17. *University Representation.*

The Calcutta University Constituency should be given two seats in view of the larger number of voters on its rolls, as compared with the other university constituency in Bengal.

### 18. *The So-called Communal Award and Bengal.*

The communal question is a very delicate matter to deal with by a non-communal trade-chamber like ours, but the grievous wrong done to the Hindus of Bengal has so agitated the minds of the politically-minded people that the new constitution will have very little chance of being successful unless the decision of His Majesty's Government is modified in the light of the existing facts of the situation. But apart from that consideration, justice and equity demands its revision and an equitable allotment of seats among the Mussulmans, the Hindus and the so-called depressed classes (if any) in Bengal.

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[Continued.]

# SUPPLEMENTARY MEMORANDUM 38A ON BEHALF OF THE BENGAL MAHAJAN SABHA BY ASWINIKUMAR GHOSE, Esquire.

## THE BENGAL MAHAJAN SABHA.

This Association is registered under Section 26 of the Indian Companies Act (Act VI of 1882).

### MEMBERS.

"Every Chalaní or other merchant or Banker of Bengal and Eastern Bengal carrying on business in Calcutta and elsewhere shall be eligible for election as a life or ordinary member of this Sabha." (Article 2 of the Association.)

The Bengal Mahajan Sabha consists of Members who are merchants, either Chalaní or otherwise, and indigenous bankers carrying on business in Calcutta and in the Mofussil. Most of them have their head offices or purchasing centres in Calcutta with branches in different districts of Bengal.

Inland Trade and Indigenous Banking are the two main trading interests which are represented by this Association. It is not too much to say that the entire inland trade and indigenous banking is entrusted directly and indirectly with the class of traders who represent The Bengal Mahajan Sabha.

### THE BENGAL MAHAJAN SABHA AS DISTINGUISHED FROM OTHER COMMERCIAL ASSOCIATIONS.

There is a good deal of distinction between The Bengal Mahajan Sabha and other commercial Associations of Bengal. The commercial Associations, such as the Bengal Chamber of Commerce, the Bengal National Chamber of Commerce, etc., are mainly concerned with the Export and Import trade, and Industrial organisations of the Province and their activities are mainly restricted within the metropolis of Calcutta and other important ports. But The Bengal Mahajan Sabha has no such limitation.

### INLAND TRADERS.

The inland traders carry the imported goods from the Ports to the doors of the villagers, and also the products of the Province from the agricultural centres to the Ports for Export. The Chalaní merchants who are the con-

stituents of the Sabha take their goods from the wholesale dealers and importers in Calcutta and also carry the same to the Ports from the Mofussil for Export and it necessarily implies that they must have their offices or purchasing agencies in Calcutta and also in the Mofussil. Here lies the main point of distinction with the constituents of The Bengal Mahajan Sabha and other commercial Associations. The Importers and wholesale dealers need not necessarily have any organisation in the Mofussil. On the other hand the Members of The Bengal Mahajan Sabha cannot do without different disposing centres in the Mofussil. They are thus the true representatives of inland traders in rural Bengal.

### INDIGENOUS BANKERS.

The other important class of traders represented by The Bengal Mahajan Sabha are the indigenous Bankers or Mahajans. They play a very big part in financing the agriculturists of Bengal. The Mahajans or moneylenders are the customary financiers of rural Bengal from time immemorial. Every village in Bengal has its own Mahajan, big or small, and their number and resources being unlimited, the village cultivators, traders, zemindars and others generally depend on them in their financial difficulties. Banking on western lines is still undeveloped in India. Though we have got some very big Banking concerns in Calcutta and Provincial towns, the entire Banking system is still left in the hands of persons who are called the indigenous Bankers or Mahajans. The Land Mortgage Banks and Joint-Stock Banks are not developed in Bengal, the big banking concerns are not easily approachable by the common people and the activities of the Credit Societies and Co-operative Banks are very limited, so the part played by the indigenous Bankers or the Mahajans in supplying the financial needs of the people is very considerable.

### WHO ARE REPRESENTED BY THE BENGAL MAHAJAN SABHA.

In each District there are innumerable market places, where the local merchants have their *Arats* and shops for

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[Continued.]

the local sale and in each village there are moneylenders to finance the people of Bengal in their needs. These are the constituents of The Bengal Mahajan Sabha and they are the true inland traders who are responsible for the major portion of the internal trade of the Province.

#### THE PRESENT STRENGTH OF THE ASSOCIATION.

The Association at present consists of above 300 Members, and each of these 300 Members are the proprietors, on the average, of about 10 business firms in different trading centres, and thus the Association is directly concerned with about 3,000 trading houses in Bengal. All merchants carrying on trade on similar lines in the Province are also indirectly represented by this Association. In fact the facilities afforded by the activities of the Association are equally shared by the vast number of inland traders and indigenous bankers in Bengal.

#### VALUE OF TRANSACTIONS OF THE INLAND TRADERS AND INDIGENOUS BANKERS OF BENGAL.

##### (a) Inland Trade

In order to have an idea of the internal trade in Bengal it is necessary that the subject should be studied from different points of view. The value of crops produced annually in the Province may give us an idea of the inland trade. Though a portion of the produce is consumed by the cultivators themselves, the major part of it changes hands, and that, at the first instance, through the agency of the inland traders.

We get the following figures regarding the area under cultivation and the price of the products from the Government Statistics(\*)—

|   |                   |
|---|-------------------|
| Total area cropped in Bengal in 1928-29<br>(Rice, wheat, barley, jowar, bajra, maize, gram, sugarcane, cotton, jute, linseed, rape, mustard seed, tobacco, etc.) ... .. | 28,702,700 acres  |
| Price of the above produce ... ..   | Rs.2,43,80,65,500 |

(\*) The Provincial Banking Enquiry Committee's Report—Page 23.

To this may be added the price of other subsidiary products such as cocoanut, betel-nut, lac, poultry, spices, etc., which is not less than another .. .. Rs.7,00,00,000

This gives us a total figure of near about Rs.250 Crores

As for the value of the cultivators' own consumption and the portion given to the landlord in lieu of rent, one-fifth or 20 per cent. of the total product or Rs.50 Crores is not an unreasonable figure. If we deduct the above from the entire product we have about Rs.200 Crores left. This is the price of the crop which remains for the internal trade and the export.

The next point we are to consider is the seaborne and coastal imports. In the year 1928-29 the value of the same trade was estimated at Rs.123 Crores.

To this should be added the value of inter-provincial imports (other than seaborne and coastal) such as piece-goods from Bombay, oil from Cawnpore, etc. ... Rs.40 Crores

To summarize the above we get the total figure of internal trade in Bengal as follows—

- (a) Value of Products consumed in the Province and exported to foreign countries and other Provinces ... Rs 200 Crores
- (b) Imports (Seaborne and Coastal) .. Rs.123 Crores
- (c) Imports from other Provinces besides Coastal and Seaborne Rs.40 Crores

TOTAL ... .. Rs.363 Crores

##### (b) Indigenous Banking.

Though there are different loan agencies, such as the Zemindars and other rent-receivers, loan offices, Government and Co-operative Societies, etc., the rural population of Bengal mainly depend on the indigenous bankers or Mahajans for all sorts of loan and credit. It may be safely asserted that 75 per

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[Continued.]

cent. of the agricultural loan is due to the village moneylenders, and if the agricultural indebtedness of Bengal be estimated at Rs.100 Crores (according to the estimate of the Bengal Banking Enquiry Committee's Report) the value of the Mahajans' investment therein comes to Rs.75 Crores.

Besides the agriculturists there are other kinds of borrowers such as the Zemindars and middle-class people, traders, industrialists and labourers, etc., whose indebtedness is in no way less than that of the agriculturists. These classes of non-agriculturist borrowers are equally, if not more, dependent on the Mahajans for their financial needs. As a rough estimate, if the non-agriculturist loan be calculated at the same figure of Rs.100 Crores and the moneylenders' share therein be calculated at at least 75 per cent. the figures come to another Rs.75 Crores.

The total value of indigenous bankers' investment may be calculated at the following figures:—

|                           |              |
|---------------------------|--------------|
| Agricultural loan ...     | Rs.75 Crores |
| Non-agricultural loan ... | Rs.75 Crores |

---

|           |               |
|-----------|---------------|
| TOTAL ... | Rs.150 Crores |
|-----------|---------------|

To sum up we get the following as the value of transactions of the inland traders and indigenous bankers:—

|                        |               |
|------------------------|---------------|
| (a) Inland Trade ...   | Rs.863 Crores |
| (b) Indigenous Banking | Rs.150 Crores |

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|          |               |
|----------|---------------|
| TOTAL... | Rs.513 Crores |
|----------|---------------|

#### CONNECTION OF ABOVE TRADE WITH THE BENGAL MAHAJAN SABHA.

The figures quoted above are the general trade accounts of Bengal. Though it is not the actual value of transactions of the Members of this Association, this trade at one time or other passes through the hands of the traders who are represented by The Bengal Mahajan Sabha, and obviously the Sabha can claim these figures as the value of their direct and indirect trade. To say that each individual inland merchant and indigenous banker would be a member of the Association is absurd, but there is no denying the fact that the Sabha is the representative Association of this class of traders, and the results of its activities on their behalf are equally shared by them.

#### VALUE OF TRANSACTIONS PARTICULARLY OF THE MEMBERS OF THE ASSOCIATION.

Now to make an exact estimate of the value of transactions particularly of the existing Members of this Association is a very difficult task. It requires an enormous amount of labour and a long period of time to consult the books of these traders, and, moreover, the books and accounts are not always available in any particular place for inspection. As an experiment I attempted in this connection to ascertain the exact figures of the transactions of a few members of a particular trade centre, viz., Bhairab Bazar in the district of Mymensingh, and the result is noted below:—

The annual value of merchandise sold by 17 Merchant members of The Bengal Mahajan Sabha in the year 1927 ... .. Rs.1 Crore, 15 Lakhs.

This does not include the investment in money-lending of the above traders which, if added, will raise the figure much higher. Still on the basis of this a rough idea of the value of transactions of 300 Members of the Association may be guessed.

B299. You have handed in a paper which I will ask you in a few minutes if you have anything to add to. If not, we will ask you questions. I have read your paper through very carefully, and, putting it briefly, there is absolutely nothing in the White Paper that you agree with. You do not agree with the White Paper?—We agree subject to the points that we have taken.

B300. Subject to a complete alteration and substitution of some other scheme you are prepared to accept the White Paper? Are you prepared, if the White Paper is passed as it is, to assist in working it?—Certainly. If it is placed on the Statute Book it will be the duty of statutory bodies like ourselves to work it, but before it is passed I think it is up to us to make our suggestions to the Committee for the alteration of the scheme on the lines indicated in our Memorandum.

B301. Will you tell me exactly what your Society is. What does it mean exactly?—It is a Society of traders of Bengal who carry on business in the countryside, and have their general offices in Calcutta—in the Metropolis. These



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[Continued.]

are the people who are the distributories of the goods that are imported from outside among the people in the country as, for example cloths, salt, corrugated iron and kerosene. All these things are distributed by them. They also have the ancillary business of money lending in the countryside. They finance agriculture as well as industry.

B302. They are in no way manufacturers? They are only distributors?—Only distributors, and they are the promoters and financiers of certain industrial concerns as well as of agricultural operations by the peasants.

Sir H. Manubhai Mehta.

B303. I have only two or three questions to ask. May I ask this question on paragraph 13 of your Memorandum "Representation of Trade and Commerce"? You say, Mr. Ghose, that out of five seats allotted to Bengal Commerce in the Bengal Legislative Council you claim at least two seats for your Bengal Mahajan Sabha? I gather that besides the Bengal Mahajan Sabha there are the Bengal Marwari Association and the Bengal National Chamber of Commerce. If you take away two out of five seats how would you distribute the remaining three seats between the Bengal Marwari Association and the Bengal National Chamber of Commerce?—The Bengal National Chamber of Commerce already enjoys the benefit of two seats in the present Council, and we enjoy the benefit of only one seat, and, in view of the importance of our Association, which we submit should be taken into consideration by the Committee, we submit we are entitled to one more seat in the Bengal Council.

B304. By your capital? Have you a larger capital than the Marwari Association?—It is very difficult to determine whose capital is greater. Ours is a body registered under Section 26 of the Companies Act.

B305. In membership are you larger?—Yes, our membership is 300 strong, regular members. May I hand to the Committee the present list of members, excluding, of course, the defaulters, who number about 50.

B306. Are you not affiliated with the Federated Chambers of Commerce?—No.

B307. Is there any prevention?—The prevention is this, the Federated Chambers of Commerce is more or less a

political body, and it is distinctly, if I may say so without any offence, a more or less non-co-operating body—the Federated Chambers of Commerce.

B308. Congress was not a political body?—Our chief concern is not politics except in the way that we have not representation in the Council to put forward our views, and except in the way in which we are to express our views on certain questions submitted to our Committee by the Government, but the Federated Chambers of Commerce has a greater political tinge, and last time the Federated Chambers of Commerce adopted a more or less non-co-operating attitude.

B309. Am I to understand that the Marwari Association is also a political body?—No, the Marwari Association is not a political body.

B310. Yet it is affiliated to the Federated Chambers of Commerce?—I do not remember exactly; I think it is, but the Bengal National Chamber of Commerce is.

B311. You are Assistant Secretary. You are connected with the Congress, and yet you claim your Association to be a non-political body?—I was associated with the Congress in my private capacity, but, as a business man I have been in the Mahajan Sabha, and my past political connection has nothing to do with the character of the Mahajan Sabha.

B312. I want to understand the first few lines of the second paragraph of paragraph 13: "In the Federal Assembly the Bengal Mahajan Sabha is entitled to one independent representation for each term, inasmuch as the Bengal National Chamber of Commerce and the Bengal Marwari Association will not be unrepresented in any term as they are members of the Federated Chambers of Commerce."?—Yes.

B313. If, on that ground, they get one seat, I wanted to know whether there is anything to prevent your being affiliated to the Federated Chambers of Commerce?—Our inclinations are not quite in that way. That is how I should put it.

B314. I will now turn to paragraph 10, the Railway Board. You say: "The Railway Board should not be freed from the control whether general or special of the Legislature"?—Yes.

B315. "All important commerce and trade associations should be represented on

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[Continued.]

the Board." I should like to know what you mean by "All important commerce and trade associations." Would not you have industrial associations also represented?—Yes. I should modify it to that extent.

B316. Agriculture?—Agricultural associations, whether they exist or not I cannot say. There may be certain co-operative organisations somewhere, but I am not quite sure of their existence.

B317. Railway companies: Should they be represented or not?—Railway companies would be industrial associations.

B318. Yet you would like them to be represented notwithstanding that they have identical interests. For instance, say Martin and Company, or Bird and Company; would they be represented on the Railway Board? Would not they be primarily a little inclined to their own interests?—Yes, they are likely to be.

B319. So you would rather exclude them?—Yes, to that extent.

B320. So this is not quite justifiable?—But while on this subject I should like to submit to this Committee that the White Paper says that the Secretary of State was to have placed the proposals about the Railway Board before the Joint Committee.

B321. They are being placed before the Joint Committee?—We do not make any suggestions about the details of the scheme because we have not got them.

B322. So if the proposed Railway Board Committee came to the conclusion that important trade interests and railway interests should have nothing to do with the Railway Board, would you be satisfied with that?—Provisionally I should not be satisfied, but unless we get the details and consider them, and submit a separate Memorandum on this Railway Board and Reserve Bank also, we cannot give any opinion definitely here on that.

B323. But in principle you would not?—In principle I would not.

B324. You would not like a trade interest to be represented on the Railway Board?—A railway interest.

B325. An industrial interest?—Railway industrial interests.

B326. Should not be represented?—No, at least not predominantly.

Sir Hubert Carr.] I have only two questions just to assist me to understand what this Society is. I notice you suggest the British Empire should be renamed the Indo-British Commonwealth of Nations.

What is the name you suggest for India in the future?—The Federation of India. I submit that the name is not entirely mine. The name was given by Colonel Wedgwood in a book he published in 1920, I believe at the time of the Nagpur Congress.

B327. I think your adoption of it is quite as good as your origination perhaps, but could you tell me with reference to paragraph 3: "A time-limit should be fixed for the complete transfer of responsibility in all these reserved subjects to the Legislature," what time-limit would your Society suggest?—15 years.

Sir N. N. Sircar.

B328. I did not exactly appreciate your answer to the Lord Chairman. Supposing the White Paper constitution is adopted by Parliament, and there are no improvements in the sense in which you make suggestions, and if the Congress decides not to have anything to do with the Constitution, will you run it loyally?—Not in spirit. It may be in form we shall have to carry on, but the great majority of the people of Bengal will not be satisfied—

Earl of Derby.] I will ask you to answer only for yourself and your own Society, and not for Bengal. You are answering for one particular Society, and in that your answer is quite correct that, if it is passed as it is, although you will have outwardly to support it, inwardly you would not and will not work it?—We shall not be satisfied with it.

B329. You have said you would not work it?—It would not satisfy our aspirations.

Sir N. N. Sircar.

B330. No one is satisfied in this world. Would you work it loyally?—Outwardly we shall have to work it loyally.

Earl of Derby.

B331. There may be no outwardly and inwardly. Will you work it loyally? Answer yes or no?—Once it is on the Statute Book I think it would be the duty of the citizen to work it for the time being.

B332. Please answer the question. If this is passed as it is—you can say yes or no; that is all the answer that I want. Will you work it loyally?—We shall work it for what it is worth. That much we can say.

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Mr. ASWINIKUMAR GHOSE.

[Continued.]

Earl of *Derby*.] I think you can put the answer down as no.

Sir N. N. *Sircar*.

B333. If the Congress, or some Congress Dictator asks you to work it only for personal obstruction, I think you would do that?—Obstruction is not an unconstitutional method, and, within the limits of the Constitution we shall be at liberty to obstruct it or not to obstruct it. Ours is more or less a responsive policy. We obstruct when it is necessary. We do not obstruct when it is not necessary. But, we have ourselves proposed on oath of allegiance to the Federal Constitution in paragraph 2 of our Memorandum.

B334. When it is necessary, or when it is not necessary, the Dictator will decide for you?—No; we are not bound to go by the Congress dictation. We shall, of course, decide for ourselves on the merits of the question on the constitutional issue before the House.

Sir N. N. *Sircar*.] I quite appreciate that attitude.

Mr. A. H. *Ghuznavi*.] Mr. Ghose, when was this Bengal Mahajan Sabha established?—As long ago as 1905 under the present name, when it was registered under Section 26 of the Companies Act.

B335. Who started it?—It was started by certain merchants of Eastern Bengal. At that time the Association existed under the name of Eastern Bengal Mahajan Sabha, and about that time merchants of other parts of the country also came to the Association, and so it was registered as the Bengal Mahajan Sabha.

B336. You said in answer to the Lord Chairman's question that your number of members was 300?—Three hundred.

B337. They are all Hindus?—No. We have a Muhammadan Vice-President and there are four or five Muhammadan members also. We do not restrict it to Hindus at all. Anybody who is a trader of Bengal is entitled to come in.

B338. Will the Muhammadan members' names appear in the list?—Yes, if not defaulters.

Earl of *Derby*.] Perhaps you will hand the list in? (*The list is handed in.*)

*Witness*.] If you will have it, this is the Articles of Association of that Sabha. (*Document is handed in.*)

Mr. A. H. *Ghuznavi*.

B339. My Lord Chairman, I only find one Muslim name in this list?—There are life members and ordinary members. There are two lists.

B340. As regards this particular Muslim member, when did you elect him?—What is his name?

B341. Rezaur Rahaman Khan?—I cannot tell you offhand when he was elected, but perhaps when he came to Calcutta as a Member of the Legislative Council from Eastern Bengal he was elected member. When he came to have his residence in Calcutta he got interested.

B342. There have been residents of that name in Calcutta for the last 60 years?—When he became a Member of the Bengal Legislative Council; that is my answer.

B343. I put it to you that the members of your Mahajan Sabha are all petty dealers?—Not at all.

B344. Most of them are petty dealers?—Not at all.

B345. That will appear from the list?—How can it be ascertained from the list?

B346. I say, most of them?—In an Association which has 300 members, as many as 175 are Life Members, and Life Members are supposed to give 500 rupees at the time of becoming Life Members. They cannot at all be petty dealers. People who can pay down 500 rupees at a time cannot be petty dealers.

Mr. *Isaac Foot*.

B347. Do they pay it? You said they were supposed to pay it?—They have I should say, required to pay. Otherwise, they would not have been on the list.

B348. Do they pay it or are they supposed to pay it?—No, they have paid actually. This list is of members who have actually paid and who are not defaulters. We have as many as 50 defaulters this present year, because this year has been a year of depression and their names are not there.

Mr. A. H. *Ghuznavi*.

B349. Your answer is that if a man can pay 500 rupees he is not to be taken as a petty dealer?—That is not a complete answer, but this is to be taken as one of the implications. There are members

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[Continued.]

on this list who are landholders of Bengal.

B350. They are members of the Landholders' Constituency?—Not all of them. Some of them are.

B351. Not most of them?—Not most of them certainly: only some of them. Out of 300 some 50 or 30 may be members of landholders' constituencies.

B352. And they have a vote also in the Landholders' Constituency?—That is the situation in Bengal. Some of us have votes in the University Constituency. Some of us have votes in the special constituencies. But the number is very limited.

B353. Members of your Mahajan Sabha are also members of the Bengal National Chamber of Commerce?—Some of them.

B354. Most of them?—No, only a few. I think not more than five.

B355. Did your Sabha lead any evidence before the Industrial Commission?—The Industrial Commission of 1930?

B356. Yes?—I do not remember. I was not there at that time.

B357. Before the Central Banking Committee?—Yes, they must have if invited. That is also subject to correction, because I have been connected with this Sabha only for the last two years.

B358. So you do not know?—No.

B359. The Simon Commission?—The Simon Commission was also before that.

B360. So you do not know that?—No. What I can speak of is the Franchise Committees, the Jute Inquiry Committee, the Provincial Committee set up by the Government of Bengal for gathering materials for franchise, and delimitation of constituencies. These are the matters about which I can speak personally, but whether any evidence was led before the Simon Commission or any other body is more than I can say without notice.

B361. What do you mean by the word "Mahajan"?—"Mahajan" means chalani merchant; it is defined in the Articles of Association.

Earl of Derby.

B362. I am afraid that does not explain it to me. What does it mean?—"Mahajan" in Bengali generally means a local banker, an indigenous banker and wholesale trader.

Mr. A. H. Ghuznavi.

B363. I would say the word is translated as a moneylender—nothing else?—An indigenous banker and wholesale trader.

Earl of Derby.] Do not you think we can leave it at that—that what he represents is a body of small distributors and moneylenders? That is really what it means.

Mr. A. H. Ghuznavi.] Yes.

Earl of Derby.] It is no use going into the details of membership. I do not know whether you agree with me.

Mr. A. H. Ghuznavi.

B364. I do, my Lord?—I invite your Lordship's attention to Section 2 of the Articles of Association which says that "every chalani or other merchant or banker of Bengal and East Bengal carrying on business in Calcutta and elsewhere shall be eligible for election as a life or ordinary member."

Earl of Derby.] You will excuse me for saying that "being eligible for election" is not exactly the same thing as being a member.

Lord Snell.

B365. Let me get a little clearer as to the position of your Society. Does it include farmers?—No.

B366. Nor any workers?—No.

B367. It is therefore exclusively made up of these small traders, financial or otherwise?—They are not small traders. That is what I do not subscribe to at all. There are big wholesale traders as well as some small retail traders.

B368. Is it restricted to Indians, or are there Europeans as well?—It is restricted but not by the Articles of Association.

B369. But in practice?—As a matter of fact, it is restricted to Bengalis pure and simple. Formerly Marwaris also were members of this Association, but now they have set up a separate association called the Marwaris Association.

B370. In your oral evidence to-day are you speaking as the servant or the representative of the Mahajan Sabha?—Yes.

B371. And not in your personal capacity?—Of course, in this sense it may be in my personal capacity. I drafted the Memorandum to be submitted before this Committee and then had it passed by a Committee appointed by the Bengal Mahajan Sabha. So it has the full approval of the Bengal Mahajan Sabha.

B372. If you are speaking for anyone besides yourself you are aware that some of the words you have used to-day will have a significance that they would not

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[Continued.]

have if you were speaking purely as a private person?—Certainly. I am submitting this Memorial now, as your Lordship will see from the heading, on behalf of the Bengal Mahajan Sabha.

B373 I am not thinking of the Memorandum, but you have said this morning, presumably, on behalf of your Association, that you would work these reforms only up to the extent that you felt you could go. That is equal to a statement of non-co-operation. You are aware of that, are you not?—No, it is not a statement of non-co-operation, but we reserve to ourselves the right of acting according to the exigencies of the situation.

Lord *Snell*.] I want to get that clear. Are you in the same position as I am personally in relation to the House of Lords of which our Chairman is a Member? I, too, have a limited enthusiasm for the House of Lords, but I work it as far as I can loyally and completely as long as I am there.

Lord *Rankeillour*.] And effectively.

Lord *Snell*.

B374. I want to know whether you are in that position, or if not, exactly what you mean?—Yes, I am exactly in that position.

B375. As far as these reforms go, you will accept what they propose and co-operate in the working of them, whilst reserving your desire for further extensions? Is that what you mean?—We shall not stay away from the Legislatures. To that extent we shall work it out loyally, but, of course, what methods we shall adopt to bring about a reform in the Constitution on strictly constitutional and legal lines, we cannot say at the present moment.

B376. I do not ask you to say that. I shall not reveal to you my own methods in similar circumstances. All that I want is that you should not give a false—not a false—but an unfair or misleading interpretation of the purposes of your Society?—I beg your lordship's pardon; I could not exactly follow.

B377. I was only anxious that you should weigh your words and review your words in regard to the matter of non-co-operation?—Yes. We are not going to non-co-operate. I have made that clear at the very beginning in answer to a question as to why we did not join the Indian Federated Chambers of Commerce, because that body does not take part in the constitutional struggle as it should do. If we were non-co-operators we would not be here.

Lord *Rankeillour*.

B378. I am not quite clear, from what you said, whether your Members are mostly actual retailers or whether they are distributors to the retailers?—They have wholesale as well as retail business. In Calcutta, they buy wholesale from importers and some of them are importers themselves, then in the Muffassil they have their Arots, as they are called, that is, depots, where they sell both wholesale and retail.

B379. Do these retail places belong to the individual members or to the society at large?—No; the society is merely a society for settling certain trade disputes or regularising certain standards and doing other things. We are like any other trade chamber there.

B380. They are distributors who are in some cases retailers. Is that right?—Yes.

B381. You also make advances—lend money?—Yes. The members are that.

B382. Do you lend much on mortgage—on land?—Yes, that we do.

B383. Have you any particular views as to what is known in Bengal as the permanent settlement?—No. We have not come to any decision upon that question because that is a controversial question. We have not considered that so I am not in a position to give your Lordship any idea as to what the association will think of the permanent settlement.

B384. They have not considered it with a view to the security of their mortgages?—No.

B385. I think there is only one other question I want to ask you. In the very last line of paragraph 18 of your memorandum, you say: "But apart from that consideration, justice and equity demands its revision and an equitable allotment of seats among the Mussulmans, the Hindus and the so-called depressed classes (if any) in Bengal." What do you mean by those words in brackets "if any"?—The question is a very large one, and I should submit it before the Committee in this way: The Franchise Committee laid down certain tests for determining who the depressed classes are. Now, the Government of Bengal was not ready with any list of their own, so the Franchise Committee could not offer any suggestions as to which classes of castes should be depressed classes.

Mr. *Foot*.

B386. The boundaries are indistinct?—But afterwards there was a communal award by the Prime Minister, and by

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[Continued.]

hat communal award some 10 seats were provisionally reserved for the depressed classes.

B387. Thirty, I think?—At first it was 10. All of a sudden the Poona Pact was sprung upon us, and, without any consultation with Bengal public opinion, and the Bengal Hindus generally, it was arbitrarily fixed that 30 members—up from 10 to 30 members—should be reserved out of 80 for the depressed classes. Now, our contention is that in Bengal there are no depressed classes according to the tests laid down by the Franchise Committee. If there are any, they are such a handful that they do not deserve 30 seats at all.

Lord Rankeillour.

B388. When you are talking of the Franchise Committee, do you mean Lord Lothian's Committee?—Yes.

B389. You say according to the tests laid down, there are no depressed classes in Bengal at all?—That is the contention. According to those tests no depressed classes have been ascertained, but after the Poona Pact, when 30 seats were given to the depressed classes by the Premier's modified award, the Government of Bengal was then called upon to find out the depressed classes who deserved those 30 seats. What was the Government of Bengal to do? They drew up a list of what they called the Scheduled Classes, and these Members of the Scheduled Classes are not, certainly, depressed classes, if the Committee will undertake an examination according to the tests laid down in the Franchise Committee's Report. They are classes which are not depressed classes at all.

B390. You imply that the term "depressed classes" as applied to Bengal is a misnomer altogether?—Exactly so.

B391. And do you say you could not really identify who was meant?—Yes; except one or two classes who do actual unclean work—some sweepers, or Mehtars, as they are called; or Chamars, that is, those who flay dead animals. Except for one or two classes who do actually unclean work, these tests of untouchability do not apply to any class in Bengal.

B392. Thank you, I did not understand what you meant?—I think that question will come up before the full Committee and I have been informed by the Secretary of the Joint Committee that a certain application was made, in

order that full facts and figures might be placed before the Committee, that I might be examined, along with other Hindu delegates from Bengal, on this question. I think the Committee has not yet decided whether I shall be examined on this question before the full Committee along with other Bengal parties.

Mr. Foot.

B393. You may be called as a witness in relation to some other evidence. Is that so?—No. With regard to paragraph 18, I think that question is coming up before the full Committee.

B394. Do I understand that your society felt so keenly about the proposals submitted that they desire representation through yourself before us?—Yes.

B395. Are they bearing the expense of that representation?—The expense of that representation?

B396. Yes. Do you come specially to give evidence in relation to your memorandum?—I have been invited to give evidence. The association has been invited by the Parliamentary Committee to give evidence, and some provision, of course, has been made for expenses, about passage money and so on.

B397. Is your society bearing any of the expense?—All the extra expense I am incurring here, and for loss of profession, etc. They are bearing that.

Earl of Derby.

B398. What is your profession?—I am a lawyer. I am also a business man having connection with a big trading firm and book trade.

Mr. Foot.

B399. How long have you been in this country waiting to give evidence?—Only three weeks. With regard to these questions about the Railway Board and the Reserve Bank, the Secretary of State will place the proposals before the Joint Committee. Shall we be entitled to submit a separate memorandum?

Earl of Derby.] I cannot answer that question for the moment. I understand you are not going to be called before the General Committee but you have handed in the Papers and questions have been asked by members of the Committee which have, I think, elucidated all the points we wished to know from your documents.

(The Witness is directed to withdraw.)

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[Continued.]

Earl of Derby.] Before I ask our next witnesses to give us answers to any questions, I should like to ask you this, Mr. Joshi: You were put down as one of the representatives of the National Trades Union Federation, but I understand you are not going to appear as a representative.

Mr. Joshi.] No. I am going to work as a delegate here, on the Committee.

Earl of Derby.] You have been put down as being one of the authors of Memorandum 54. I do not think it is possible to act in the two capacities, both as a delegate and as a witness. Therefore, if you like to go into the witness box and give any explanation you like of the papers you have put forward, we shall be delighted to hear you, but I am afraid I could not allow you to question the witnesses.

Mr. Joshi.] I am quite willing to submit to your ruling, but I should like to

make one point clear. They put my name down as a witness before I was appointed a delegate. The date on the memorandum is the 10th June.

Earl of Derby.] On the 10th June, as I understand it, your name being there meant that as far as you were concerned that was the evidence you would have given?

Mr. Joshi.] Yes.

Earl of Derby.] Under those circumstances I feel it would not be possible for you to be present in the two capacities, and while I am quite ready—and I imagine the Committee will agree with me in this—to allow you to go into the witness box, it would not be possible, if you do not go into the witness box, for me to permit questioning by you.

Mr. Joshi.] I certainly do not mind going into the witness box. I will do that.

Mr. B. SHIVA RAO, Mr. AFTAB ALI, Mr. K. C. ROY CHOWDHURY and Mr. N. M. JOSHI are called in and examined as follows:

Earl of Derby.

B400. I understand you gentlemen represent two distinct bodies—one is the National Trades Union Federation, of which Mr. Shiva Rao is a Vice-President?—(Mr. Shiva Rao.) I am a Vice-President.

B401. Mr. Shiva Rao, you are Vice-

President of the National Trades Union Federation?—Yes.

B402. You were a delegate to the International Labour Conference in 1929 and 1930?—I was an adviser to the delegates. I was on the delegation.

B403. You were a delegate to the First and Second Round Table Conferences?—That is right.

(Memorandum 54 is handed in and is as follows):

#### MEMORANDUM 54—NATIONAL TRADES UNION FEDERATION.

This Memorandum derives its authority from the Indian Trades Union Federation which represented before 10th May, 1933, 78,600 industrial workers organised in 41 trade unions affiliated to it—seven of them in Bengal, one in Bihar and Orissa, nine in the Bombay Presidency, four in the Central Provinces, 15 in the Madras Presidency, four in the Punjab and one in Mysore State. Its membership was drawn from many of the important trades and industries, such as transport, cotton and jute, chemicals, sugar, mining, engineering, paper and printing and leather. In its Special Session held at Calcutta on April 19 and 20, 1933, this Federation and the National Federation of Labour, which was organised in February of this year by some of the office-bearers of the All-India Railway-

men's Federation, decided to amalgamate themselves under the name of the National Trades Union Federation comprising the affiliated unions of both the organisations. The strength of the Railway Unions, as represented in the All-India Railwaymen's Federation, is over 100,000; and this membership, or at least a large majority of it, which was provisionally affiliated to the National Federation of Labour, is now in the process of being transferred to the National Trades Union Federation which formally came into being on 10th May, 1933. It may, therefore, be stated that the new Federation represents a much larger number of organised industrial workers than that represented by the Indian Trades Union Federation which was given, under the terms of the amalgamation, authority to carry out the



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[Continued.]

obligations decided upon by it and its General Council before the amalgamation took place.

2. This Memorandum is confined mainly to such matters as are covered by the resolution on the White Paper which was passed at the Special Session of the Indian Trades Union Federation at Calcutta in April last and a copy of which is enclosed with this Memorandum as Appendix A. This does not, however, mean that the Federation supports the other Proposals which are not dealt with in this Memorandum. The general view of the Federation on the White Paper as a whole is contained in part (a) of its resolution which characterised the Proposals as "disappointing, undemocratic and even reactionary in certain essential and fundamental respects," and as holding out "no prospect of the Indian masses and the working classes ever securing an adequate and effective voice and control in the legislatures and administration of the country." The resolution further stated that "they (i.e., the Proposals) contain less of transfer of power from British into Indian hands and more of reservations and safeguards which breathe the spirit of distrust of Indians, and are not only not demonstrably in the interests of India, but are much more in the interests of the United Kingdom." In making this criticism the Federation had particularly in view the Proposals such as those dealing with the "processes" involved in the formation of the Federation (including the organisation and establishment of the Reserve Bank), the "date and conditions" for its inauguration, the vast special powers and responsibilities of the Governor-General and the Governors, the nature and extent of the reservations in respect of defence and foreign affairs, and retention of the Secretary of State's Advisers, the peculiarly privileged position of the Imperial Services, the constitution of the Statutory Railway Board—to mention only a few—which, in the opinion of the Federation, are gravely unsatisfactory and require to be radically modified in many essential respects if they are to be made acceptable to Indian public opinion. Part (b) of the resolution emphasises that "no scheme of reforms can meet the requirements of the Indian masses and the working classes, or satisfy their legitimate aspirations or allay the present

political or economic discontent, which is not designed to endow India with the status of a self-governing democratic country," and that "if the proposals of reform are to achieve any purpose, they should be so liberalised as to bring them into conformity with the democratic constitutions of self-governing countries, only the irreducible minimum of reservations being made for a short transitional period to be fixed by Statute." The Federation notes with the deepest regret that the White Paper Proposals fall far short of the assurances given by His Majesty's Government at the end of the first Round Table Conference and reiterated at the end of the second Session. Messrs. N. M. Joshi, M.L.A., B. Shiva Rao and V. V. Giri, who represented Indian labour at Sessions of the Round Table Conference, have, in their speeches and written memoranda, pointed out in detail the various directions in which the Constitution for the future Government of India should be liberalised so as to make it acceptable to the masses and the working classes; and as this Memorandum supports the views expressed by them, it is not necessary to repeat them in so far as the general character of the White Paper Proposals is concerned.

3. Part (c) of the resolution deals with certain proposals which, the Federation insists, should be incorporated in the scheme of reforms. An attempt is made in the following paragraphs to elaborate them in the order in which they have been set down in the resolution.

(A) *Fundamental Rights*.—The Constitution Act should contain a declaration of fundamental rights guaranteeing to all citizens of the Federation, *inter alia*, freedom of speech, freedom of the press, freedom of association, and, in the case of workers, the right to strike, the right to work, and provision against old age, invalidity, etc. In view of the experience that the Indian workers have had with regard to the treatment meted out to them and their organisations during industrial disputes, the Federation is convinced of the necessity of insisting upon such fundamental rights being guaranteed, in the interests particularly of the working classes. The Federation is not impressed with the plea put forward in paragraph 75 (Introduction) of the White Paper against the inclusion on any large scale of fundamental rights in the Constitution Act. It fails to

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understand the recognition, on the one hand, of the fundamental right of property which applies, comparatively, only to a small minority, viz., the propertied class, and refusal, on the other, to recognise the fundamental rights of a vast number of the working class population (*vide* Appendix B) which affect their very existence. The Federation, therefore, urges that fundamental rights, such as those stated above, should be recognised in the new Constitution and incorporated in the Act.

(B) *Nomination vs. Election.*—The Federation is opposed to the principle of nomination and wants all the legislatures in India of the future to be constituted on the principle of election. The Indian Franchise Committee, over which the Marquess of Lothian presided, has discarded the view of many of the Provincial Governments in India that the method of nomination should be adopted for the representation of certain classes or communities and interests. And in its report (page 94, para. 243), the Committee is emphatic that "it has been generally agreed that the method of nomination is inappropriate under the system of responsible government, for the reason that it may give to the nominator the power to make or unmake governments, while it affords no choice to the members of the community concerned, and gives them no training in political affairs." Even in the case of aboriginal and hill tribes, where fixing the franchise qualifications and forming constituencies are not so easy as in the case of other sections of the community, the Committee "strongly recommended the adoption of some method of election, if found to be practicable, in preference to nomination" (page 135, para. 341). With this weighty opinion expressed by an authoritative Committee to guide His Majesty's Government, the Federation is surprised to find that the White Paper contemplates nomination to both the Houses of the Federal Legislature for sending representatives from Baluchistan and has definitely recommended 10 nominated seats (pages 6 and 36, paras. 18, Introduction and 26, Proposals) in the Federal Upper House and 10, 9 and 5 nominated seats (page 78, Appendix III, Part II) in the Legislative Councils (Upper Chambers) of Bengal, the U.P. and Bihar respectively. In the case of Baluchistan, no authoritative enquiry has been, so far as the Federation is aware, held about the possibility of evolving a suitable machinery for election; and

it is unfair to the people of that area to deny them the right of election when other provinces are enabled to enjoy it. The argument that the ten nominations to the Council of State are meant to enable the Council to have "a small group of the elder statesman type" is not convincing. The Federation, therefore, urges that these nominations should be done away with.

The Federation is also emphatic that there is no justification whatsoever for reserving 15 per cent. of the seats in the case of Bengal and the U.P. and 16.6 per cent. of the seats in the case of Bihar for nomination. Past experience serves as a warning against the power of nomination being retained, for it is likely to be abused and prove detrimental to the growth of responsibility. It is difficult to comprehend the object for which these nominations are provided. If it is suggested that nomination is intended to secure representation for commercial interests, the view of the Indian Franchise Committee is against this course. It says in para. 421 (page 168) that "in future all commercial representation should be concentrated in the Assembly." What applies to the Federal Legislature applies equally to the Provincial Legislatures. The Federation therefore, strongly recommends that the method of nomination should be entirely abolished and the method of election should be universally adopted.

(C) *Federal Upper House.*—The Federation is opposed on principle to the establishment of the Federal Upper House. It is unnecessary and will act as an impediment to the growth of a sense of responsibility in the Federal Lower House. The latter is based upon a restricted franchise, and its powers are severely limited; further, it will contain an appreciable number of members who will represent an essentially conservative outlook, such as representatives of commerce and industry, landholders and Indian States. There is thus hardly any risk of the Federal Lower House passing any hasty legislation. And even assuming that it does, there are the overriding powers of the Governor-General—though the Federation is very far from suggesting that all of them are desirable or necessary—which are more than adequate to check the hasty tendencies of the Federal Lower House, if and when it begins to show any. Under these circumstances, the Federal Upper House will, apart from the cost it entails, be a clog

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on the wheel of progress and a source of perpetual friction with the popular House.

If, in spite of these considerations against the establishment of the Federal Upper House, it is decided to have it, the Federation strongly recommends that Indian labour should have adequate and effective representation therein. The White Paper has, in giving representation to the Europeans as a community, set aside the recommendation of the Indian Franchise Committee that all commercial representation should be concentrated in the Assembly, because the Federation holds that the position of Europeans in India is, for all practical purposes, such that representation given to them, whether as a community or as a commercial interest, amounts to representation given to European commerce. The allocation of seven seats for Europeans, under the guise of communal representation, is, therefore, in the opinion of the Federation, an injustice both to Indian commerce and to labour. But independently of this unfair discrimination, which becomes an additional consideration in demanding representation for labour in the Federal Upper House, the Federation is of opinion that Indian labour is entitled to special representation on its own merits. In the immediate future, the Federal Legislature will be called upon to deal with labour legislation to even a greater extent than in the past; and the absence of labour representatives from the Upper House which is bound to be more conservative and less democratic than the Lower House, will prove to be a serious handicap to the passage of such legislation. The number of labour representatives in the Provincial Legislatures is so small that there is hardly any likelihood of these Legislatures returning any labour representatives to the Federal Upper House. The Federation, therefore, strongly urges that it should contain an adequate number of labour seats to be filled in the manner proposed in (F) below. It further suggests that labour should be given sixteen seats, which is equivalent to 10 per cent. of the total number of seats for British India, and that in no case should they be less than those given to Europeans as a community and other capital interests, if any.

(D) *Indian States' Representation.*—The representation of the Indian States in both the Houses of the Federal Legislature should be by election. The Federa-

tion is opposed to the proposal in the White Paper that the State's representatives "will be appointed by the Rulers of the State-Members of the Federation." There are to-day a few Indian States which have their Legislative Councils on an elective basis and others will follow suit if the principle of election is insisted upon by His Majesty's Government. Otherwise, the Federal Legislature will be a hybrid product consisting of nominated members from the Indian States and elected members from British India—a combination which will affect seriously the efficient working of the Legislature and render difficult the passage of any popular legislation.

Closely allied to the method of representation of the States there are two questions of importance which deserve consideration. One is the quantum of representation and the other is the sphere of their jurisdiction in the Federal Executive and Legislature. The Federation holds strongly that the States should be given representation in the Federal Legislature strictly on the population basis and no weightage is justified. It further holds that no representative of the States should be appointed a Federal Minister unless he is an elected—and not merely an appointed—member of the Legislature, and that the States' representatives should not be allowed to vote except on federal matters. If the Princes are going to be given the sole authority to define, in their Instruments of Accession, their powers and jurisdiction in respect of those matters which they are willing to recognise as federal, it is only logical that in the Federal Executive and Legislature their right of vote should be restricted only to such matters and there is no justification for allowing them to vote on purely British India subjects. The same remark should apply to motions of no confidence in the Federal Executive.

(E) *Strength of Labour Representation in the Federal Assembly.*—In the Federal Assembly labour should be given at least 10 per cent. of the total number of seats; and in no case should the number of seats for labour be less than that given to capital as a whole, including commerce and industry, landholders and Europeans as a community. The table attached (Appendix B) to this Memorandum indicates the approximate size of the working class population, a vast majority of which, under the franchise qualifications recommended by the White Paper, will go not only without representation, but also

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without a vote. It is, therefore, urged that the representation given to labour should be adequate enough to safeguard the interests of the working classes in India. The 10 seats allotted to labour, which work out at only 4 per cent. of the total seats from British India, are too inadequate to enable its representatives to discharge their duties efficiently and satisfactorily. The Federation, therefore, insists that labour should be given 25 seats in the Federal Assembly.

Another point of considerable importance is that labour representation should not be less than that given to capital as a whole. The Franchise Committee recognised the principle of equality of representation between labour on the one hand and commerce and industry on the other and, therefore, recommended "a number which will give it (labour) a representation equal in strength to that proposed in the case of commerce" (page 169, para. 422). While the Federation acknowledges the partial recognition by the Committee of the equality of claim as between labour and commerce and industry, it holds that a correct and a fairer comparison would have been between labour and capital as a whole. It has

already been pointed out in paragraph (C) of this Memorandum that the Federation considers the representation given to Europeans as a community to be, for all practical purposes, a commercial and industrial representation; and it needs no arguments to prove that landholders also are a capitalist interest. It may be added here that labour has a far more direct interest in and concern with the work of the Federal Legislature than landholders. The experience of the last thirteen years has shown that the representatives of commerce and industry, landholders and Europeans have often combined in opposing legislative measures affecting working class interests. To compare, therefore, labour representation with only a part of the entire capitalist interests is, in the opinion of the Federation, to place the former at a serious disadvantage. And even the partial equality of representation recommended by the Lothian Committee has been destroyed by the White Paper by recommending 11 seats to commerce and industry as against only 10 for labour. Under the White Paper proposals the representation for capital and labour in the Federal Assembly is as follows:—

| Representation to Capital. |             |            |        | Labour Representation. |
|----------------------------|-------------|------------|--------|------------------------|
| Commerce and Industry.     | Landholders | Europeans. | Total. |                        |
| 11                         | 7           | 8          | 26     | 10                     |

The disparity between the representation given to these two special interests is very glaring and should be removed by increasing the labour seats to 25—which means one seat less than the number allotted to capital.

(F) *Method of electing Labour Representatives.*—Labour seats in the Federal Upper House should be filled by an electoral college consisting of labour representatives of the Provincial Legislatures by the method of the single transferable vote. This is the method which the White Paper has recommended for electing representatives of Europeans, Indian Christians and Anglo-Indians, and the Federation would urge its adoption in the case of labour representatives as well. For the Federal Lower House the election for labour seats should be by an electoral

college or colleges consisting of the representatives of registered trade unions, and the allocation of these seats should be based primarily on an industrial basis with due regard to the claims of the different provinces. It is inexplicable why the White Paper should contain definite proposals for the method of representation of commercial and capitalist organisations and leave those in regard to labour open to further consideration. Appendix II (page 75) of the White Paper dealing with the Assembly says that "the special seats allotted to labour will be filled from non-communal constituencies; the electoral arrangements have still to be determined"; while Appendix III, Part I, dealing with the Provincial Legislative Assemblies, after repeating the above remarks, adds: "but it is likely

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that in most Provinces the labour constituencies will be partly trade union and partly special constituencies" (page 78). The absence of any definite indication in the case of the Federal Assembly has created serious apprehensions about the intention of His Majesty's Government with regard to this matter. If they decide to set aside the recommendations of such authoritative bodies as the Royal Commission on Indian Labour and the Indian Franchise Committee which had given considerable thought to the subject of labour representation, the Federation fails to understand which other authority they propose to accept for determining the electoral arrangements. The Whitley Commission says on page 464 of its report:—

"If special representation is to be given to industrial labour, the method which, in our view, is most likely to be effective in securing the return to the legislatures of the best representatives of labour is that of election by registered trade unions. The working of this method should also exercise an important influence on the healthy development of trade unionism."

The Lothian Committee, after carefully considering the alternative methods of (1) election through trade unions, (2) special labour constituencies, and (3) the combination of both, unanimously decided in favour of the first method, namely, election through trade unions (page 170, paragraph 423). The argument that trade unions are at present too weak and, therefore, not sufficiently representative of the working classes, is sometimes advanced only to prejudice their case and is not convincing. In the first place, it should be noted that labour representation has been recognised only as being functional, and, therefore, is not based upon the numerical strength of the trade unions. Secondly, if institutional representation is to be given to capital, irrespective of the numerical strength of the commercial and industrial organisations, there is no reason why labour should not also be similarly treated. Thirdly, considerations other than that of numbers are sometimes taken into account in giving representation to communities such as to Europeans, and it is difficult to understand why a similar consideration should not be extended to the working classes and their trade unions. The Federation, therefore, strongly urges that, as recommended by the Whitley Com-

mission and the Lothian Committee, trade unions only should be made constituencies for electing labour representatives to the Federal Lower House.

Equally important is the question of the distribution of labour seats. The Whitley Commission suggested, on page 464 of its report, that "where more than one seat was allotted to labour, the unions could either be grouped for the purpose in separate constituencies, possibly according to industries, or they could elect the members jointly." The Lothian Committee also stated (page 170, paragraph 424) that "it has been suggested to us that the following interests deserve special consideration.—jute, transport (including railways), textiles, seamen, planting and mining." These quotations indicate that these two authorities showed an inclination in favour of the distribution of labour seats on an industrial basis, and the Federation supports that view, though it recognises that the claims of the provinces should not be lost sight of. If the number of labour seats is sufficiently increased to the extent recommended in this Memorandum, it should not be difficult to divide the seats on an industrial basis, without, at the same time, giving any ground to the provinces for complaint. The advantage in preferring an industrial basis combined with provincial claims to the White Paper proposal is that the Legislature will be able to secure the best men belonging, as trade union officials or members, to important trades and industries and possessing an adequate knowledge of the working conditions therein, so as to enable them to speak with authority and information when labour questions are discussed. Again, there are certain industries and trades, such as textiles and railways, which are distributed over more than one province; and if the seats are distributed only on a provincial basis, the result may either be that there will be over-representation of some trades and industries to the disadvantage of others and, what is more important, there is a risk of some of the best men not being returned at all. It is, therefore, urged that the provincial basis adopted in the White Paper (last column of the Table, Appendix II, page 76) should be so altered as to secure labour representation on an industrial basis with due regard to provincial considerations.

It may be pointed out further that the White Paper has given (Table of Appendix II, page 76) only one non-provincial

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seat to labour to be filled by its central organisation, as against three given to commerce and industry. This is unfair and should be remedied by giving labour the same number of seats as are given to commerce and industry. The Franchise Committee has recommended (page 170, para. 424) that the All-India Trade Union Federation (now the National Trades Union Federation) should be given one seat. The Federation suggests that this number should be increased at least to the same number as has been and may be given to commerce and industry, and that the claims of the All-India Railwaymen's Federation should also be recognised for this purpose.

(G) *Franchise for the Federal Assembly.*

—The franchise for the general and communal seats in the Federal Assembly should be the same as that for the future provincial Legislative Councils. The Franchise Committee was not unanimous on this question, and the minute of dissent to the report of that Committee, signed by Messrs. S. B. Tambe, C. Y. Chintamani and R. R. Bakhale, has dealt fully with the objections raised by the majority of the Committee against adopting a common franchise for the Federal Assembly and the Provincial Councils, and made out a strong case in support of a common franchise (page 228, paras. 38-39). The Federation whole-heartedly supports the view in the minute of dissent and urges that a common franchise should be adopted for the Federal Assembly and for the Provincial Councils.

As regards the qualifications for voters and candidates from trade union constituencies for the Provincial Legislatures and the Federal Assembly, the Federation supports the proposals contained in paragraphs 247, 248, 249 and 423 of the Indian Franchise Committee's Report.

(H) *Provincial Second Chambers.*—The Federation is opposed to the establishment of Second Chambers in any of the Provinces in India. It should be noted that the Franchise Committee refrained from making any specific recommendation in their favour. But the minority of the Committee in its minute of dissent (page 227, para. 35) emphatically opposed the establishment of provincial Second Chambers. The arguments against the Federal Upper House apply with equal force to provincial Second Chambers and the Federation strongly supports the view of the minority of the Lothian Committee in this respect. The Federation is aware that the White Paper proposes the estab-

lishment of Second Chambers only for Bengal, Bihar and the U.P. On the first-named of these provinces a Second Chamber has been thrust in spite of the clear and emphatic verdict of the Imperial Legislative Council against its establishment. The Federation takes strong exception to the proposal in the White Paper (page 48, para. 74 (b)), that at any time, not less than 10 years after the commencement of the Constitution Act, any legislature can present an address to His Majesty praying that it be endowed with two Chambers, and proposes that this provision should be deleted.

If, however, it is decided to retain Second Chambers in any of the provinces, labour should be given adequate and effective representation therein. Apart from one seat reserved in the Bengal Council (Upper Chamber) for Europeans as a community (Part II, Appendix III, page 78), which is really a seat given to European commerce and industry, there are, as has already been pointed out, 10, 9 and 5 nominated seats respectively in the Bengal, U.P. and Bihar Upper Chambers; and it may be that some of these seats may go to capitalist interests, including commerce and industry. Labour has thus a claim for special representation. Again, the Federal and Provincial Legislatures have concurrent jurisdiction over labour legislation, and subjects like health insurance, old age and invalidity pensions are included among exclusively provincial subjects. Labour will thus be considerably handicapped if it has no representatives in the Second Chambers which will be predominantly conservative and contain representatives in large numbers of vested interests. As the Whitley Commission has pointed out on page 462, "the presence of representatives able to voice the desires and aspirations of labour, and to translate these into concrete proposals is essential for the proper consideration of measures specially affecting labour." The Federation, therefore, claims that labour is entitled to adequate and effective representation, as indicated in (I) below, in Second Chambers wherever they may be established.

(I) *Strength of Labour Representation in Provincial Legislatures.*—In the Provincial Legislatures (Lower and Upper where the latter exist), labour should be given at least 10 per cent. of the total number of seats; and in no case should the number of seats for labour be less than that given to capital as a whole,



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including commerce and industry, landholders and Europeans as a community. In the Bengal, U.P. and Bihar Second Chambers, the number of seats allotted to labour on the 10 per cent. basis, will come to 7, 6 and 3 respectively. As regards the Provincial Lower Chambers, the Federation desires to point out the equality of representation between labour and commerce and industry, recognised by the Lothian Committee in all the provinces, except Bengal and Assam, has been disturbed by the White Paper in the case of two other provinces, viz., Bihar and Sind, by giving labour 3 and 1 seats respectively, as against 4 and 2 to commerce and industry; and further, that the inequality in Bengal and Assam has been accentuated by increasing the seats for commerce and industry from 15

to 19 in the case of Bengal, and from 6 to 11 in the case of Assam. The Federation takes very strong exception to this treatment meted out to labour and urges that not only should these inequalities be removed, but also that labour should be put on a footing of equality, not merely with commerce and industry, but with capitalist interests as a whole, including landholders and Europeans. The Franchise Committee had recommended 38 seats to labour in all the provinces, as against 46 to commerce and industry. The White Paper has increased the disparity by giving 56 seats to the latter. The disparity looks still more marked when the seats for landholders and Europeans are added to commerce and industry, as may be seen from the following table:—

| Province.                 | Representation to Capital |              |            |        | Labour Representation. |
|---------------------------|---------------------------|--------------|------------|--------|------------------------|
|                           | Commerce and Industry.    | Landholders. | Europeans. | Total. |                        |
| 1. Madras .. .. .         | 6                         | 6            | 3          | 15     | 6                      |
| 2. Bombay ... ..          | 7                         | 2            | 3          | 12     | 7                      |
| 3. Bengal ... ..          | 19                        | 5            | 11         | 35     | 8                      |
| 4. U.P. ... ..            | 3                         | 6            | 2          | 11     | 3                      |
| 5. Punjab ... ..          | 1                         | 5            | 1          | 6      | 3                      |
| 6. Bihar ... ..           | 4                         | 4            | 2          | 10     | 3                      |
| 7. C.P. ... ..            | 2                         | 3            | 1          | 6      | 2                      |
| 8. Assam ... ..           | 11                        | 0            | 1          | 12     | 4                      |
| 9. N.W.F. Province ... .. | 0                         | 2            | 0          | 2      | 0                      |
| 10. Sind ... ..           | 2                         | 2            | 2          | 6      | 1                      |
| 11. Orissa ... ..         | 1                         | 2            | 0          | 3      | 1                      |
| Total ...                 | 56                        | 37           | 26         | 119    | 38                     |

If labour seats are increased from 38 to 119, it will have no ground for complaint that it has been treated unfairly in comparison with capital. The Federation, however, claims that, because of its numerical strength and importance, labour is entitled to 10 per cent. representation. On this calculation it should get the following number of seats for each province.—

| Province.         | Labour Representation. |
|-------------------|------------------------|
| 1. Madras . . . . | 21                     |
| 2. Bombay ... ..  | 17                     |
| 3. Bengal ... ..  | 25                     |
| 4. U.P. ... ..    | 23                     |

| Province.                 | Labour Representation. |
|---------------------------|------------------------|
| 5. Punjab ... ..          | 17                     |
| 6. Bihar ... ..           | 15                     |
| 7. C.P. ... ..            | 11                     |
| 8. Assam ... ..           | 11                     |
| 9. N.W.F. Province ... .. | 5                      |
| 10. Sind ... ..           | 6                      |
| 11. Orissa ... ..         | 6                      |
| Total ...                 | 157                    |

These two tables show that if the second table is accepted, as it should be, labour will get more seats than capital. But it must be remembered



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that capital will secure some more seats than those allotted to it, through general constituencies, while labour has hardly any such chance.

(J) *Method of Election.*—As in the case of the Federal Assembly, so also in the case of the Provincial Legislatures (including Upper Chambers, should any be established) the labour seats should be filled by constituencies formed of the members of registered trade unions, preferably on an industrial basis. The White Paper says on page 78 (Appendix III, Part I) that “it is likely that in most Provinces the labour constituencies will be partly trade union and partly special constituencies.” If this indication is not made more specific, there is, in the opinion of the Federation, a risk of the local authorities which are not, generally speaking, friendly to labour, preferring special to trade union constituencies, and the object of securing labour representation will be, to a large extent, defeated. The Federation urges that preference should be given to trade union over special constituencies, and that only where trade unions do not exist or are too weak, not necessarily from the numerical point of view, special constituencies may be set up. In urging this claim, the Federation has the support of both the Whitley Commission and the Lothian Committee. The former in its report (464) says that “we recognise that this (the trade union) method may not be everywhere applicable under present conditions, and *if it was found to be impracticable in any case*, recourse would be necessary for a time to some other method (*italics ours*). In Assam, for instance, where more effective representation of plantation workers is required, different methods will be necessary”. The Franchise Committee makes the position equally clear when it says on page 97, para. 246:—

“As we have already indicated, subject always to the conditions laid down by the Royal Commission, we are prepared to accept the proposals of a number of provinces for the establishment of trade union seats in their legislatures, and this action will no doubt give an impetus to the development of unions of a satisfactory character. It would, however, in our view be contrary to the interests of the labouring population as a whole to prescribe representation through trade unions as the sole

method of representation of labour and to offer them no alternative. There are cases where trade unions do not exist, or are too weak to be entrusted with the function of representation . . . In these circumstances, there is a real risk that, in the absence of any alternative, a large body of industrial labour might, for a considerable time, fail to secure any representation other than that which it might be able to obtain through the general constituencies. We think, therefore, that it is necessary to provide, in addition, another form of representation through special labour constituencies of the type described in paragraph 250”.

It is thus clear that both the Whitley Commission and the Franchise Committee suggest the other form of representation only in those cases where trade unions do not exist or are too weak to be entrusted with that function. This is quite different from saying that labour representation will be partly through trade union and partly through special constituencies. It should be made clear that the labour seats would be filled only through trade union constituencies, and special constituencies may be set up only at those places where trade unions do not exist. The Federation draws the attention of the Joint Select Committee to the opinion of the Franchise Committee that “we wish to emphasise the extreme importance of avoiding any overlapping between trade union and special labour constituencies, whether in the same industry or in the same geographical area” (page 99, para. 253). This recommendation is highly important and should be accepted by His Majesty's Government. As regards the formation of trade union constituencies, the Federation considers that it should not be difficult to form them on an industrial basis, as no question of inter-provincial claims arises as in the case of representation for the Federal Assembly.

(K) *Franchise for Provincial Legislatures.*—Adult franchise should be the basis of election for the provincial legislatures. The Federation is aware that the Franchise Committee rejected adult franchise on many grounds, one of which was the administrative difficulty that might be experienced in preparing the electoral rolls and managing the

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elections through vast electorates. As adult franchise is now the accepted goal to be reached as early as possible, the administrative difficulty must be faced sooner or later; at least a beginning in that direction should be made—which can be done by adopting the suggestion of the minority of the Lothian Committee, viz, the introduction of adult franchise in all cities with a population of 100,000 and above. The number of such cities is not more than 30 in the whole country. Such a beginning will familiarise administrative officers and the public with the system, thereby facilitating its early extension over larger areas, with the ultimate object of reaching adult franchise as quickly as possible.

If, however, universal adult franchise is not immediately introduced the Federation insists upon a wage-earning qualification being included in the general scheme of franchise. The case in favour of this proposal has been ably argued by the minority of the Lothian Committee in its minute of dissent from which the following extract (with which the Federation is in complete accord) is taken:—

“In paragraph 68 of the report, it is stated that property has been taken as the main foundation of the franchise and that the property qualification has been lowered so as to bring on the roll the great bulk of the landholders, the tenants and the urban rent-payers and a considerable section of the poorer classes. The omission here of wage-earners will be noticed. Yet, following the recommendation in this behalf of the Franchise Sub-Committee of the Round Table Conference, the questionnaire issued by our own Committee invited witnesses to understand the term “property” “in its widest sense as including . . . wages, whether in cash or coin.” The considerations given to the subject of labour representation and

the special recommendations on behalf of the Depressed Classes do not make up for the omission to recognise wages as one of the general qualifications for franchise. The numbers affected are vast. Including agricultural and non-agricultural labour, the total in the nine Governors' provinces is no less than 48,755,382 out of an aggregate population of 254,955,378. That is, about 20 per cent. of the whole. In some provinces “agricultural labourers” are actually more in number than “tenants”, for example, in Madras, Bombay, Bengal and the Central Provinces. Those who are not adults being left out, the numbers affected are still very large. Almost every Local Government and Provincial Committee have admitted that their proposals for the extension of the franchise leave out very large numbers of these, the poorest of the people. This has been sought to be justified on the two grounds that there are practical difficulties and that many of these labourers are themselves, tenants or sub-tenants and will, therefore, come in under these categories. We do not know to what extent the two are mixed up in the separate columns of tenants and labourers, but we cannot think that more than a small fraction of the large numbers of agricultural labourers are also tenants. As regards practical difficulties, they do not exist in the case of organised occupations, while they are far from being insurmountable in respect of others. Besides, a wage census is both practicable and desirable. In our opinion, every labourer, rural or urban, who has been in receipt of wages of Rs.10 a month, or its equivalent in kind continuously for the six months preceeding the preparation of the electoral roll, should be brought on the register.

| —                      | Madras.   |                                     | Bombay.   |                                    | Bengal.   |                                    | Central Provinces. |                                     |
|------------------------|-----------|-------------------------------------|-----------|------------------------------------|-----------|------------------------------------|--------------------|-------------------------------------|
|                        | No        | Percentage of the total population. | No.       | Percentage of the total population | No.       | Percentage of the total population | No                 | Percentage of the total population. |
| Tenants ...            | 1,617,476 | 8.4                                 | 1,160,432 | 5.3                                | 815,654   | 1.6                                | 121,373            | 0.7                                 |
| Agricultural labourers | 5,064,459 | 10.8                                | 2,967,809 | 13.6                               | 2,668,343 | 5.3                                | 3,455,625          | 22.2                                |

19<sup>o</sup> July, 1933.]

[Continued.]

(L) *Power of passing Labour Legislation.*—The Federal and Provincial Legislatures should have concurrent power of passing labour legislation. The Federal labour laws should be made applicable to all the units of the Federation, including the Indian States. The Federation is aware that List III (page 111) of Appendix VI of the White Paper invests the Federal and Provincial Legislatures with concurrent powers over labour subjects, such as (1) regulation of the working of mines, but not including mineral development, (2) regulation of the working of factories, (3) employers' liability and workmen's compensation, (4) trade unions, (5) welfare of labour, including provident funds and industrial insurance, and (6) settlement of labour disputes. This provision is, in theory, satisfactory so far as it goes, since it ensures the greatest possible measure of uniformity in labour legislation. But the utility of this provision is very considerably marred by a serious qualification which occurs in para. 111 (page 56) of the White Paper. It says:—

"Laws so made (by the Federal Legislature) will be operative throughout British India, but in the States which have acceded to the Federation only in so far as the Ruler of the State has by his Instrument of Accession accepted the subject with which the law is concerned as a Federal subject."

This qualification makes a grave deduction from the powers of the Federal Legislature, if the application of Federal labour laws to the Indian States is to be made dependent upon the Ruler of each individual State—a proposition which puts British India at a great disadvantage, apart from the lack of any protection to labour in the States. Industries are rapidly developing in some of the Indian States, and British India has already begun to feel the effects of unfair competition between those States where there is hardly any labour legislation or little or no administration of such legislation, if any, and British India where labour legislation has made some headway in recent years. The competitive character of present day industries makes uniformity of labour legislation essential. And if this is not achieved under the new Constitution, the pace of labour legislation, even for British India, cannot but slow down. The Federation urges that labour legislation should be made applicable to all the units of the Federation.

When many of the labour subjects, such as those stated above, are made both Federal and Provincial, the Federation is surprised to find that such important subjects as health insurance, invalidity and old age pensions should be made in the White Paper (No. 69, List II, Appendix VI, page 109) exclusively provincial subjects. It is difficult to appreciate the discrimination that has been made between one set of labour subjects and another. In fact, health insurance, old age and invalidity pensions are subjects predominantly of a national character and importance and, therefore, deserve to be made federal subjects. They are social services for which either the employers, or the State, or both will have to contribute towards their maintenance and administration. If they are made exclusively provincial subjects, the employers, on the ground of costs which will not be borne by their competitors in other provinces, and the Provincial Governments, on the ground of inadequacy of funds, may not agree to pass legislation of this kind, and Indian workers will not have the benefits of health insurance and old age and invalidity pensions. The Federation, therefore, strongly urges that these subjects, in fact, all labour subjects, should be both Federal and Provincial.

(M) *Ratification of I.L.O. Conventions.*

—The Federal Government should possess the power of ratifying the Conventions and Recommendations of the International Labour Organisation without taking the consent of the federating units separately. It may be pointed out that under Article 405, Part XIII, of the Peace Treaty, "in the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only." It will thus be seen that a federal State escapes more easily from its international obligations on labour matters. The practical effect of this Article of the Peace Treaty to the disadvantage of the workers may be judged from the fact, which Mr. Joshi pointed out at the first Round Table Conference, that, while even a backward country like India, under a unitary form of Government, could ratify eleven Conventions of the International Labour Conference, advanced countries like Australia and Canada, under a federal form of Government, have ratified only four Conventions each. To remove this limitation of a Federal Government, it is essential

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[Continued.]

to make a specific provision in the Constitution Act that the Federal Government shall possess the power of ratifying the I.L.O. Conventions without having to take the consent of the federating units separately; and the Federation urges upon such a provision being made.

4. With regard to some of the other proposals contained in the White Paper, the following observations are offered:—

(a) A definite date should be fixed for the inauguration of the Federation. It is very unsatisfactory that the White Paper does not contemplate this. There is no need for fresh Parliamentary action before the Federation can begin to function.

(b) In order to prevent friction between the two halves of the Government and to promote a sense of collective responsibility among members of the Executive, the Prime Minister must be consulted before the appointment of Ministers and Counsellors.

(c) The salary of the Financial Adviser should be subject to the vote of the Federal Assembly.

(d) There should be a separate Department of Labour in charge of a Member of the Cabinet, in view of the many problems concerning labour that are awaiting solution.

(e) There should be specified in the Constitution a date by which the provisions of the Statute of Westminster will apply to India. The period of transition being thus fixed, it should be laid down that the control of Parliament will be strictly limited to the field of reserved subjects through the Secretary of State for the Dominions.

(f) There is no need whatsoever for entrusting the Governor-General with such vast powers in regard to his "special responsibilities." Such a provision gives him (and, correspondingly, to Governors of Provinces) immense authority over practically the whole field of administration which seems easily capable of being abused, and this will seriously interfere with the growth of responsibility.

(g) With regard to Defence, there should be a scheme prepared for the nationalisation of the army within a fixed period of time and for the complete withdrawal of British troops

from India; recruitment to the Indian Army should be open to all classes and in all provinces. Arrangements should be made from time to time, during the period of transition, for a revision of military expenditure in which representatives of the Federal Legislature shall have an effective voice. The Federal Assembly should have the right of discussing the whole of the Defence policy of the Government, including expenditure, and of voting funds in excess of the amount agreed upon.

(h) The strength of the Federal Assembly should be increased at least to 450, the Indian States being entitled to representation only on the basis of population without weightage.

(i) The Federal Executive should be responsible only to the Assembly and not to both Houses.

(j) The Federal Upper House should not have the power of considering demands for grants and Money Bills. Its powers over ordinary legislation should be recommendatory and not co-equal with those of the Assembly.

(k) The Governor-General should not have power to recommend the passing of a Bill or part of a Bill in any particular form, or that a Bill or any part of it should not be proceeded with, or of certifying a measure so as to make it a law without the consent of the Legislature. Nor should the Governor-General have power to certify a demand or any part of a demand, or to restore a grant, after it has been rejected by the Assembly.

(l) The proposals in the White Paper are seriously defective in that they do not include provision for the alteration of the Constitution, and therefore, as they stand, there is no room for automatic growth towards full responsibility.

(m) The Constitution should also contain a provision for a periodical extension of the franchise so as to reach universal adult suffrage within a specified period of time.

(n) The emergency powers of the Governor-General for making and promulgating Ordinances (in paragraph 53 of the Proposals) together with the provisions for what will be known as "the Governor-General's

19<sup>o</sup> July, 1933.]

[Continued.]

Acts," endow him with autocratic powers, over both the Federal Executive and the Federal Legislature, of so sweeping a character that it is impossible to see what is left of responsibility.

(o) With regard to Governor's Provinces, practically the same observations apply to the executive, legislative, financial and administrative proposals as to the Federation. "Provincial autonomy" will be reduced to a shadow without any reality, if the safeguards and emergency powers are brought into operation.

(p) The proposals in paragraphs 106 to 109, in regard to "Excluded and Partially Excluded Areas," are open to grave objection. It is not clear why power should be retained for declaring any area within a province to be wholly or partially excluded and taking it out of the jurisdiction of both the Federal and the Provincial Legislatures. It obviously is not meant to cover the so-called backward tracts, because an area cannot suddenly become backward after the inauguration of the Constitution. It will be open under these proposals for the Governor of a Province to declare a particular district or districts as an excluded area, and to prohibit the discussion of resolutions and even the asking of questions in the Federal and Provincial Legislatures pertaining to that area. Such a power is dangerous and liable to gross abuse.

(q) With regard to the so-called backward tracts, it is wrong to deny millions of aborigines and hill tribes the right of direct and effective representation and participation in the work of the Legislatures; where special organisations of their own exist, they may be given the right of electing their representatives, both to the Provincial and the Federal Legislatures.

(r) There is danger in the proposal in paragraph 122 of the White Paper regarding discriminatory legislation in that the proviso which grants the Governor-General or the Governor of a Province power to declare valid a discriminatory measure in the interests of peace and tranquillity may be used for penalising members of a particular community or race or an economic class.

(s) If political power is really intended to be transferred to the people of India subject only to transitional safeguards, there is no need for the appointment of the Secretary of State's advisers. Parliamentary control over the reserved subjects may be exercised through the Secretary of State for the Dominions.

(t) It would be anomalous and extremely undesirable that under the new Constitution the Secretary of State should have any control over recruitment to the Civil, Police or any other service. All power over the services, in regard to recruitment, discipline, pay, pensions, etc., should be vested hereafter in the Federal Government in the case of the All-India services and in the Provincial Government's in the case of the provincial services.

(u) Considering the importance of the railway system in the economic structure of India, the many thousands of workers that are engaged in the railways, it is not right that the Federal Legislature's control over the policy and administration of railways should in any way be weakened by the creation of a Statutory Railway Board. Such a Board may be brought into existence by an Act of the Federal Legislature and should contain an adequate number of labour representatives.

5. This Memorandum has dealt mainly with such of the proposals in the White Paper as are of direct or indirect concern to labour, and does not claim to cover the entire field. The inauguration of a Constitution on the lines of the White Paper will bring no relief to the Indian workers, and they are one with other sections of public opinion in India in condemning the proposals as reactionary. The Federation earnestly trusts that the Joint Parliamentary Committee will so amend the proposals as to make them acceptable to the workers of India, and thus encourage them to seek their happiness and prosperity through action under the new Constitution.

#### APPENDIX A.

##### *Resolution on the White Paper.*

(a) "This Special Session of the Indian Trades Union Federation is of opinion that the Proposals of His Majesty's Government for Indian Constitutional Reform embodied in the White Paper of

19<sup>o</sup> Julii, 1933.]

[Continued.]

March 18, 1933, are disappointing, undemocratic and even reactionary in certain essential and fundamental respects. They hold out no prospects of the Indian masses and the working classes ever securing an adequate and effective voice and control in the legislatures and administration of the country. They contain less of transfer of power from the British into the Indian hands and more of reservations and safeguards which breathe the spirit of distrust of Indians, and are not only not 'demonstrably in the interests of India,' but are much more in the interests of the United Kingdom."

(b) "This Federation desires to emphasise that no scheme of reforms can meet the requirements of the Indian masses and the working classes, or satisfy their legitimate aspirations or allay the present political and economic discontent, which is not designed to endow India with the status of a self-governing democratic country and it urges that if the proposals of reform are to achieve any purpose, they should be so liberalised as to bring them into conformity with democratic constitutions of self-governing countries, only the irreducible minimum of reservations being made for a short transitional period to be fixed by statute."

(c) "This Federation insists upon the following, among other, proposals being incorporated in the scheme of reforms:—

(1) The Constitution Act should contain a declaration of fundamental rights guaranteeing to the workers, *inter alia*, the freedom of speech, freedom of press, freedom of association, the right to strike, the right to work and provision against old age, invalidity, etc.

(2) The Federation is opposed to the principle of nomination and wants all the future legislatures in India to be constituted on the principle of election.

(3) The Federation is opposed to the establishment of the Federal Upper House. If, however, it is to be retained, Indian labour should be given adequate and effective representation thereon.

(4) The representation of the Princes in both the Houses of the Federal Legislature should be by election.

(5) In the Federal Assembly, labour should be given at least 10 per cent. of the total number of seats; and in no case should the number of seats for labour be less than that given to

capital as a whole including commerce and industry, landholders and Europeans as a community.

(6) Labour seats in the Federal Upper House should be filled by an electoral college consisting of the labour representatives of the Provincial Legislatures by the method of the single transferable vote. The labour seats in the Federal Lower House should be filled by the electoral college or colleges of the representatives of registered trade unions, based preferably on industrial basis with due regard to the claims of the different provinces.

(7) The franchise for the general and communal seats in the Federal Assembly should be the same as that for the future Provincial Legislative Councils.

(8) The Federation is opposed to the establishment of Second Chambers in any of the provinces in India. If, however, they are to be retained, Indian labour should be given adequate and effective representation thereon.

(9) In the Provincial Legislatures (Lower and Upper where the latter exist) labour should be given at least 10 per cent. of the total number of seats; and in no case should the number of seats for labour be less than that given to capital as a whole, including commerce and industry, landholders and Europeans as a community.

(10) The labour seats in the Provincial Legislatures should be filled by constituencies formed of the members of the registered trade unions, preferably on industrial basis.

(11) Adult suffrage should be the basis of franchise for provincial legislatures. If, however, that may not be possible, the Federation insists upon wage earning qualification being included in the general scheme of franchise.

(12) The Federal and Provincial Legislatures should have concurrent power of passing labour legislation with a proviso in the Constitution Act that the federal legislation shall prevail over the provincial legislation. The federal labour laws should be made applicable to all the units of the Federation, including the Indian States. This Federation protests against the proposal in the White



19<sup>o</sup> July, 1933.] Mr B. SHIVA RAO, Mr. AFTAB ALI, Mr. K. C. [Continued.  
ROY CHOWDHURY and Mr. N. M. JOSHI.

Paper to make health insurance and invalidity and old age pensions an exclusively provincial subject, they should be made both federal and provincial subjects.

(13) The Federal Government should possess the power of ratifying the Conventions and Recommendations of the International Labour Organisation without having to take the consent of the federating units separately.

(d) "This Federation records its strong conviction that the White Paper Proposals, as they stand at present, cannot satisfy the legitimate aspirations of the Indian people and will, far from appeasing and allaying discontent, aggravate the present unhappy conditions, will further alienate public opinion and greatly intensify the present acute and widespread discontent. A generous and far-reaching measure of reforms granting substantial power to the masses and the working classes will alone meet India's requirements and satisfy the national self-respect of India."

(e) "This Federation authorises the General Secretary to inform the Joint Select Committee and the Government of India that its representatives should be given facilities to appear before the Joint Select Committee to give evidence on

behalf of this Federation and it appoints for this purpose Messrs. N. M. Joshi, M.L.A., Aftab Ali and B. Shiva Rao to form its delegation. The General Secretary is further authorised to send a copy of the resolution on White Paper to the Joint Select Committee and the Government of India and prepare, in consultation with the President, a detailed memorandum on the lines of the resolution to be submitted to the Joint Parliamentary Committee."

B404. Mr. Aftab Ali, you are a Vice-President of the National Trades Union Federation?—(Mr. Aftab Ali.) Yes.

B405. I understand you have been Secretary to the Bengal Trades Union Federation since 1931?—Yes.

B406. And you have been General Secretary of the Indian Seamen's Union, Calcutta, since 1928?—Yes.

B407. Mr. Chowdhury, you are, I think, representing the Bengal Trades Union Federation?—(Mr. Chowdhury.) Yes.

B408. You are a Vice-President of the Bengal Trades Union Federation?—Yes.

B409. You are Labour Member of the Bengal Legislative Council, and a Member of the Executive Committee of the National Trades Union Federation?—Yes, and I was a Delegate to the International Labour Conference in 1923.

(Memorandum No. 55 is handed in and is as follows):

#### MEMORANDUM 55. THE BENGAL TRADES UNION FEDERATION.

Containing the British Government Proposals on Indian Constitutional Reform from the point of view of Representatives of workers employed in large industrial undertakings in Bengal, viz., Jute, Maritime, Transport, Engineering, etc., addressed to the Members of the Joint Select Committee, House of Lords, London, by Bengal Trades Union Federation as per the letter dated 24th April, 1933, of Mr. Aftab Ali, Gen. Secretary of the Federation and of the Indian Seamen's Union, Calcutta and Indian Workers' Delegate, International Labour Conference, held at Geneva in June, 1933, submitted to the Joint Committee through the Government of Bengal, nominating Mr. K. C. Roy Chowdhury, Vice President of the Federation (Labour Representative, Bengal Legislative Council and Calcutta Corporation, Indian Workers' Delegate International Labour Conference, Geneva, 1923, ex-assessor,

International Court of Justice, Labour Branch, Geneva, member of Bengal Provincial Franchise Committee and ex-member, Amalgamated Society of Engineers, Manchester) as a witness to give evidence before the Joint Select Committee, and invited by cable from London No. 104 dated 19th May, 1933, by the Secretary, Joint Select Committee.

This memorandum is based on the items transmitted to the Joint Select Committee on 24th April, 1933, and mainly deals with White Paper proposals as affecting Labour in Bengal.

1. *Declaration of Fundamental Rights.*—The socio-economic conditions of the poorer and working classes in India are indeed depressing. Manual labour according to time-honoured traditions and century-old practices is despised as menials' function (Coolie work). An honest peasant, living on the sweat of



19<sup>o</sup> Julii, 1933.]

[Continued.]

his brow is called a "Chotologue" (mean or low class fellow) in contrast with a Bhadrilogue (educated and gentlemanly class). There exists an in-born prejudice of upper and middle class Indians against manual labour which is often exploited, sweated, underpaid and is forced (compulsory labour or Begar is known throughout India and specially in Feudatory and Princes' states) and is robbed of its wages with impunity. It is necessary for its protection that certain Fundamental rights of the Working classes should be specifically declared enjoining that Indian Parliament should make suitable laws to ensure fair rent and fixity of tenure to agricultural tenants from whom industrial workers are recruited, for the maintenance of the health and fitness of workers, securing a minimum wage for them, the protection of motherhood, welfare of their children and the economic consequence of their old age, infirmity and unemployment.

The Indian Parliament should also pass laws to ensure sanitary Housing for Industrial workers. A number of Committees and Commissions have described the Housing conditions in mill areas in and around Calcutta, Cawnpore, Ahmedabad, Bombay and other industrial cities as most appalling, productive of disease, debility and morbidity and consequent abnormal mortality of the workers and their infants as the following official statistics show.

Ahmedabad, the largest cotton mill centre outside Bombay Island has its Birth rate of 47, Death rate 50 per 1,000 and Infant mortality 331 per 1,000 infants born. Cawnpore, the industrial hub of United Provinces, has Birth rate 36, Death rate 52 and Infant mortality 420. Repeated recommendations of responsible Enquiry Committees to provide sanitary Dwellings for workers have been ignored by Municipalities, Public Bodies and Industrial Organisations.

Nothing short of Statutory obligations (Housing is a fundamental right in the German and other post-war constitutions) will remove this grave menace to the Indian workers' health. The Parliament should also enact for the creation of Industrial Councils in each industrial Province in India. The Whitley Labour Commission has made the following definite and specific recommendations regarding this important scheme to ensure industrial harmony. "*In the framework of the future Constitution provision should be made for an organisation (the*

*Industrial Council) which would enable representatives of employees, of employers of labour, and of Government to meet regularly in conference, to discuss labour measures and labour policy.*" The Federation disagrees with the views expressed on page 63 of the Proceedings of the Third Round Table Conference. "In the agenda of the Conference the question of fundamental rights was purposely linked up with the question of the powers of legislatures because it was felt that it had been insufficiently realised that the effect of inserting provisions of this kind in the Constitution must inevitably be (if they are to be more than an expression of a political ideal which have never yet found a place in English constitutional instruments) to place Statutory limitations to the powers of the new Legislatures."

This British conception of constitution will not hold water in an Oriental country like India, where social and socio-economic conditions of the poorer and working classes are positively different and where brutal practices exist that should be swept out of existence by Statutory instruments. All post-war constitutions for Germany, Zecko-Slavakia and even Ireland do include Fundamental Rights. However, if the Joint Committee is unable to re-open the question of Fundamental Rights of millions of India's working classes and masses whose trusteeship, under the new Constitution, is proposed to be transferred from the British Parliament to the Indian Legislatures, and if such rights cannot be fitted in with the act of Constitution, they should find a place in a Royal Proclamation or even in the instruments of instructions the Governor-General and the Governors will receive from the King.

2. *Second Chambers.*—(a) It is very doubtful if the Federal Upper House will benefit the working classes as the franchise for that House is restricted and will to a large extent ensure return of Representatives of moneyed and propertied classes traditionally antagonistic to aspirations of labour. If the Upper House is retained, the Bengal Federation strongly urges for a definite number of seats to be reserved for labour.

(b) *Provincial Second Chamber in Bengal.*—The same remarks apply. In fact the Bengal Legislative Council has by a small majority voted the Second Chamber down, although consensus of Hindu public opinion is not opposed to it. If it is retained and vested interests of landlords and moneyed classes were given representation as proposed in the

19<sup>o</sup> July, 1933.]

[Continued.]

White Paper, Labour should have at least four seats in the Second Chamber.

3. *Labour Seats in Federal and Provincial Lower Houses.*—(a) *Bengal.*—An unjust distinction between the relative importance of representation of labour and that of commerce and industry is proposed in the White Paper. Labour is to have only 8 seats, whereas the Employers are to have 19 seats. The Lothian Committee in para. 320 of its report says: "Functional representation is assuming increasing importance under modern conditions and the argument in favour of making special provisions for the presence in Legislative bodies of business and economic experts is in our judgment a strong one." Surely labour is functional and some of its Representatives in Councils, in Assembly, in International Labour Conferences, who have specialised in economics from the labour point of view have proved their capacity as exponents of labour economics. Owing to attraction of intellectuals towards Indian labour movement their number will increase and some "Philip Snowdens" and "Pethick Lawrences" will be forthcoming to represent labour in Indian Legislatures. Strong arguments in favour of increasing labour seats will be found in the note on "Special Electorate of Labour," by Mr. Roy Chowdhury, a member of the Bengal Provincial Franchise Committee, on page 248, vol. II, of the Lothian Report. The following statistics of wage earners in Bengal are taken from that note.

|   |                       |
|---|-----------------------|
| (a) Operatives employed in registered factories, including 320,000 jute mill hands  | 560,000               |
| (b) Seamen, including inland navigation   | 120,000               |
| (c) Tea garden labour in Dooars, Terai, Dargeeling, Tippera and Chitragong  | 90,000                |
| (d) Coal miners in Bundwan District   | 45,000                |
| (e) Clerks  | 60,000                |
| (f) Railwaymen (Bengal employees of the East Indian, Eastern Bengal, Arsam Bengal and Bengal Nagpur Railways systems and of Light Railways) | 120,000               |
| (g) Jetties, docks, motor vehicles, etc.  | 20,000                |
|   | <hr/> 1,015,000 <hr/> |

In Bengal there are 28 registered Trade Unions with a membership of 75,756, including women (vide para. 245 of the Lothian Report). The combined membership of the following Employers' Organisations who are to return 19 members in Bengal Legislative Council under the White Paper proposals, hardly exceeds 3,000. The Bengal Chamber of Commerce, the Indian Jute Mills Association, the Indian Tea Association, the Indian Mining Federation, the Calcutta Trades Association, the Bengal National Chamber of Commerce, the Bengal Manajan Sabha, the Bengal Hardware Association and the Indian Mining Federation.

Arguments are frequently advanced by Employers that Indian labour movement is in its infancy as judged from the small number of trade unionists all over India. The Western conception of trade unionism based on mere numerical strength of paying membership does not apply in India. The present membership, say of Bengal, viz., 75,000 out of, say, one million industrial workers, would have been five or six times that number but for the opposition of employers to their workers joining unions and for the positive and determined resistance of jobbers and overseers who cannot tolerate the idea of losing their hold on men under them, their milk-cows yielding pecuniary gain to them, going out of their hands. There exists and will exist for some years to come, as was the case in Britain in the early sixties, the mortal fear in workers' minds of losing their jobs by joining unions. In spite of this and its deterrent effect on trade union membership, large bodies of workers employed, say, in the jute industry of Bengal or in shipping, do follow the directions and advice of their few honest trade union comrades flying the trade union flag in somewhat difficult circumstances. This applies with equal force to organisations other than labour, e.g., political, commercial, religious and communal bodies in India with poor paying membership but with strong following within their respective groups.

(b) *Provincial Differentiation about Labour Seats.*—It is most unfortunate that Bengal, admittedly the premier Industrial Province in India with 589,000 factory operatives (as per official return of 1929) and at least 500,000 more employed in Ocean and Inland Shipping, Printing Presses, Coal Mines, Tea gardens, Docks, etc., is allotted only eight seats, whereas Bombay Presidency

19<sup>o</sup> Julii, 1933.]

[Continued.]

with 366,029 factory operatives as per Official Return of 1929 and not even 100,000 employed in other organised industries is allotted seven seats and Madras with not even a fourth of Bengal's organised labour strength and of third class industrial importance is allotted six seats. No explanation is found anywhere in the Lothian or other Constitutional Reports regarding this inequitable weightage given to Bombay and Madras. The Bengal Trades Union Federation for reasons explained above claims at least twelve seats in the Lower House and four seats in the Upper Chamber of Bengal Legislative Council.

(c) *Labour Seats at the Centre.*—The Lothian Committee admits in para. 422 of its Report, "Under the new Constitution Labour will be to a large extent a central subject under the general control of the Federal Legislature, and it is of great importance in these circumstances to secure representation for it as a special interest in that body." The number of seats allotted to Labour in the Federal Assembly under the White Paper scheme, viz., ten, which cannot by any means be said to be adequate at all for representation of millions of Indian Industrial Labour.

In 1922, India obtained recognition by the League of Nations as one of the eight chief industrial States in the world, and India Office officially supplied the following informations to illustrate India's industrial importance. "28 millions agricultural workers, 141,000 Maritime workers, second only to that of the United Kingdom—over 20 million workers in industries, including cottage industries, Mines and Plantations, and Transport with Railway mileage in excess of that in every country except the United States." The Railways of India alone, according to official figures, employ very nearly a million workers, directly under the proposed Federal Government, Plantations nearly three quarters of a million, and All India Factories Report returns 1,553,169 Factory operatives in 1929 and Bengal with 589,860 factory labour leads all the other Provinces. The 10 seats allotted to Labour in the Federal Assembly works out at only 4 per cent. of 250 British India seats. Labour, according to the Lothian Report and to the White Paper proposals (Appendix VI), will be principally a central subject, and all Labour Legislations affecting one million

Railway workmen, Air navigation, Inland Waterways, Maritime, Major Ports, Post, Telegraph, Telephone and Wireless Services will be exclusively Federal, and the Federal Legislature will have concurrent powers over working of Mines, Factories, Trade unions, welfare of Labour, and settlement of industrial disputes. Above all, and perhaps most important of all, that the Federal Government is given the power of ratification of Labour conventions and recommendations of the International Labour organisation constituted under the Treaty of Versailles.

All the facts stated above unmisstakably indicate that the future destiny of millions of Indian workers will lie in the hands of the Federal Legislators, and ten Labour seats out of 375, including 125 seats reserved for the nominees of the Princes, is hopelessly inadequate. The 125 nominees of the Princes, the Bengal Federation apprehends, may often form a solid block of opposition to many Central Labour Legislations, including International Conventions, for various reasons. The Western India (Bombay) Industrialists, owing to a persistent policy of Protection against British and foreign goods, are, with the financial assistance of some of the wealthy Princes, rapidly multiplying their factories. (This will be still more rapid under the new Constitution, imposing unrestricted Tariff freedom.) Their tendency is and will be selection of mill sites in Indian states adjoining Bombay Presidency, where Factory laws and other Labour laws, viz., Workmen's Compensation Act, do not operate, and where cotton and cheap and sweated labour are available, and the odds are very strong that they will influence through the Nominees of the Princes, formidable opposition to passing of humane labour laws and adoption of International Labour Conventions.

The Bengal Labour Federation strongly urges that Federal Labour seats should be increased from 10 to 15, and that at least four seats, instead of only two, proposed in the White Paper, should be given to Bengal. Here again Provincial jealousy, borne out by bare facts and figures, comes into play, and the Federation deplores that no justification exists for treating Bengal and Bombay on equal footing, or, in other words, giving Bombay a weightage, by allotting two

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Labour seats for either of these Provinces. The larger industrial importance of Bengal over Bombay has already been touched. Labour statistics show that Bombay employs less than half of what Bengal employs. The second and still more important factor is that almost all the different varieties of India's important industries are produced in Bengal, and they require different types of Labour Legislations, e.g., Coal, Iron and Steel (two of the three Iron and Steel Works are in Bengal), Tea Plantations, Inland River Transport, a network of Light Railways, Jute Mills (the biggest of all industrial undertakings in India). None of these exist in Bombay. There is still another and most significant factor, viz., population. Bengal has 50 millions and Bombay only 18 millions, and it can be safely assumed that the proportion of the numerical strength of working classes in these two Provinces is commensurate with their population ratio. Hence from every point of view (political, statistical, economic and constitutional) Bengal is entitled to at least double the number of Labour seats at the Centre arbitrarily allotted to Bombay. This and other kinds of political partiality towards Bombay is deprecated and openly criticised by every Bengalee, be he a Hindu or a Moslem, a Liberal or an Extremist, and even by Government, excepting perhaps the Government of India and its fortunate Portegees representing Bombay interests in Committees and Councils.

4. *Trade Unions as Special Labour Constituencies.*—The Whitley Royal Commission on Labour recommended "It special representation is to be given to industrial labour, the method in our view is most likely to be effective in securing the return to the Legislatures of the best representatives of labour in that of election by registered trade unions." The Lothian Committee clarifies the position in para. 248 of its report. "We found in the course of our discussion with local Governments and Provincial Committees a readiness in the majority of cases to agree that where Trade unions in India are properly organised and reasonably representative they would, subject to the qualification proposed by the Royal Commission on Labour from a suitable basis for the special representation of labour." In para. 246 of the same report, "we are

prepared to accept proposals of a number of Provinces for the establishment of Trade Union seats in their Legislatures, and this action will no doubt give impetus to the development of unions of a satisfactory character. It would, however, be in our view, contrary to the interests of the labouring classes as a whole to prescribe representation through Trade unions as the sole method and to offer them no alternatives. There are cases where Trade unions do not exist or are too weak to be entrusted with functions of representation. We think therefore that it is necessary to provide in addition another form of representation through special labour constituencies of the type described on page 250."

The Bengal Trades Union Federation fully endorse the above suggestions with the proviso that discrimination should be made between genuine trade unions and those unions formed and registered for political and personal purposes or unions subsequently captured by politicians or self-seekers. The history of our 12-year-old trade unionism in India is a chequered one. Mr. A. R. Burnett-Hurst, a Professor of History and Economics in a United Provinces College, who made a special study of Indian labour problems, says, "Trade unions have been led by professional lawyers and others who have not perhaps in all cases made a distinction between political and economic consideration." In the words of Professor Burnett-Hurst (*vide* page 523 of the Indian Year Book, 1932) "social workers did not take the initiative, but allowed the lawyer-politician to capture and control these bodies. Many of the so-called leaders of Indian labour were drawn from the lawyer-politician class, who often exploited the ignorance and credulity of labour force for their own material advantage or for the propagation of their own pet political doctrine in addition to looking after labour." The rise in 1920 and the fall of the All-India Trade Union Congress in 1929 or its capture by politicians and its conversion into a political weapon is a glaring example. There are many more instances of this kind of exploitation of labour unions, specially in Bombay, and a few in Bengal. That the so-called Trade Union Congress would be used as a tool by the politicians was almost anticipated since its creation in Bombay in 1920 by a politician or two, innocent of trade union experience and unconnected with a single labour union

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in India. The real objective was to secure free trips to Geneva and London as Indian Workers' Delegates and incidentally help labour to organise. Successive Presidents of this body were All-India political leaders. The bubble burst at Nagpur in 1929 and its books and papers were seized by the Communist agents of Bombay and the Revolutionaries who fomented strikes and sabotage and passed resolutions in favour of its affiliation with the League against Imperialism, boycott of the international labour organisations in Geneva. This body, some time after its inception, was rescued from self-seekers and utilised by trade union leaders for the good of labour and was recognised for some time by the Government of India as the sole medium for recruiting International Labour Delegates until its downfall at Nagpur. The actual workers, with some exception, had little or no idea about the functions of Geneva Conferences or about the activities of their delegates. Honest trade unionists had to secede from that body and they set up the All-India Labour Federation which, after functioning all right for the last three years, was suddenly changed in April last, at its Calcutta sitting, into the National Trade Union Federation to give it perhaps a national complexion. One or two prominent Bengal trade unionists strongly objected to this, apprehending a repetition of the former history. The Bengal Trades Union Federation is naturally opposed to the principle of the sole method of representation of Indian labour and to the grant of monopoly or charter to any particular labour organisation to return labour representatives.

This method may be possible when the movement attains vigour and when political influenza raging all over the country subsides and when self-seeking is eliminated and a genuine spirit of service to fellow-workers which characterises the British and other labour movements, is generated. Special labour constituencies, with the franchise proposed in the Lothian Report, paragraph 250, almost approaching adult suffrage as well as Trade union constituencies composed of trade union members should both be given a fair trial in the Provinces. There should be at least four seats allotted to the Upper Chamber in Bengal and a number of seats should be reserved in the Council of State for labour. The franchise for the Federal Assembly should be membership of registered unions and the constituency to be an electoral college of such members,

although there is some danger that individual unions with very large paper membership may swamp the rest. There can be no objection to the proposal that franchise for non-trade union or special labour constituency should be based on wage-earning qualification irrespective of sex, with or without age limit or a prescribed period of employment.

In paragraph 247, the Lothian Committee suggests "that in order to qualify as an electoral unit for the purpose of voting for a special trade union constituency a union should have been registered for a minimum period of one year and have a minimum strength of 100. In the case of first election under the new Constitution the period might be reduced to six months," we find it difficult to accept the last suggestion about six months period, as we fear that large number of mushroom unions will be floated for personal purposes just before the new election. In paragraph 252 of the same report regarding qualification of candidates for election in a special labour constituency "some of us consider that no restrictions should be placed on candidates. Others would require a candidate to be an elector in the special constituency or to be a paying member, an honorary member or an official of a registered trade union." Bengal labour unions strongly support the latter view as it is almost certain that influential employers of labour as well as wealthy landlords of working-class tenants will contest labour seats and will offer concessions to working-class electors to catch their votes as was the case in England in some of the Lancashire industrial constituencies before the British Labour Party was formed. This restriction is necessary during the period of transition, as contemplated by some members of the Lothian Committee. This appears to be a fundamental drawback of adult suffrage during the transitory period and is not sufficiently realised by Labour representatives in the Round Table Conference and Lothian Committee who advocated adult suffrage as a panacea for all evils.

The Provincial Franchise Committee in Bengal of which the witness was a member has unanimously recommended in favour of enfranchisement of *manual workers* only be they members of trade unions or not. We support this view as there exists in India a number of unions composed of non-manual workers who do not come under the Factories and other labour Legislations.

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5. *Concurrent Power of passing Labour Laws.*—The Bengal Trades Union Federation agrees with the White Paper proposals investing both Federal and Provincial legislators with concurrent power to pass labour laws subject to this proviso that Federal labour laws should be made operative in the Princes' States to avoid unfair competition and ensure protection of States labour.

6. *International Labour Conventions and Recommendations.*—The Federal Assembly and Government should have the power of ratifying the Conventions and recommendations of the International Labour Conference and the consent of the Federating units should be taken only and solely when these international measures affect certain specific industries, say, coal mining, iron and steel, plantations which lie exclusively within those units. Take, for example, the coal mining, a key industry of vital importance, which looms very largely in International Labour Conferences and which is declining in India due to competition of hydro-electricity and oil fuel. It is geographically situated within the adjoining provinces of Bengal, Behar (including Orissa) and Central Provinces with the exception of very small mines in Assam and elsewhere, and it is only rational that consent of these Provinces solely responsible for its labour welfare should be taken by the Federal Government before ratification of coal and other conventions affecting a particular.

6. *Special Powers and Responsibilities of the Governor-General and Governors.*—Mr. Joshi and other Indian Labour Delegates to the Round Table Conference have pressed hard in successive Conferences for full measure of protection for Indian Labour. Labour in an agricultural country like India is treated as a piece of cheap merchandise, to be acquired in open markets according to its supply and demand, without taking into consideration a labourer's cost or standard of living, especially in urban areas. As we have stated above, it is being, and has been for centuries, exploited, sweated and underpaid and forced (compulsory labour in Begari or well known throughout India and flourishes well in Feudatory and Princes' States). Hindu Public opinion has most unfortunately stamped it as "low class," as labourers are recruited from the so-called lower classes. The Whitley Labour Commission has condemned many of the shocking conditions under which Indian workers eke out their

miserable existence, e.g., deduction from wages, unrestricted supply of intoxicants in industrial areas, perpetual indebtedness, irregular wage payments, extremely insanitary housing and its effect on health and mortality, iniquitous system of recruitment, unrestricted exaction of Jobbers, absence of any schemes to provide against sickness, old age, unemployment or death. The Indian workers, or the intelligent section of them have keenly watched the progress of self-government in India since 1921, and its benefit or implied benefit to labour through protective legislations and prospective measures foreshadowed by the Whitley Commission and reports of various industrial unrest and Strike committees, as well as adoption of International Labour Conventions. They realise the consequences of Provincial Autonomy and Central Responsibility and the transfer of power from British to the Indian Parliaments, and appreciate the grim determination of the British Government to see that Labour is represented in Legislatures through special or Trade union constituencies during the period of transition. The workers' feeling is, however, mingled with pessimism, drawn from bitter experience of the last ten years' activities of the Extremist politicians, who have consciously or unconsciously rendered dis-service to the cause of Labour they took up earnestly. With the rising tide of the extremist movement and of political excitement the leaders made use of industrial labour as tools in their various experiments for mass action, promoted and encouraged strikes and deadlocks, captured Labour unions, vilified humble trade union organisers unconnected with politics, with the sole object of advertising their claim for working class or mass leadership, and acquiring a good deal of limelight at the expense of Labour. Very few of them have had the faintest idea of the guiding principles of trade unionism and collective bargaining, nor any practical experience of trade union work. Consciously or unconsciously they were unfortunately instrumental in throwing thousands out of employment by engineering or encouraging strikes without sufficient economic grounds.

In Bengal these deadlocks (Assam-Bengal Railway and River Steam Service strike, and the stoppage of work in Chargola Valley (Assam) Tea Gardens and the sensational exodus of Sonthal Tea workers, and many more stoppages



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on other Railways, public utility services and industrial concerns), have rendered thousands of workers' families destitute. In Bombay untold miseries were inflicted on textile workers in 1929 by Politicians of the Moscow brand, International Agents of Communists who "floated" Red unions with Moscow money. They captured temporarily the Girni Kamgar Textile Union and the Great Indian Peninsular Railway Union. In Behar activities of Politicians in connection with Tinplate workers' strike at Tatanagor ruined hundreds of Bengalee and Assamese well-paid Bhadrologue (educated) workers, who were thrown out of jobs. The Extremists preach wonderful reforms from platforms and they even adopted the famous Soviet plan at Karachi Congress in 1931. However, when came their time to translate their words into deeds—the practice of their preaching Daraidra Naraynism (serving the Poor is service to God), in Calcutta Corporation, which is under the control of the Extremists, it proved a veritable mockery. That Daraidra Naraynism was put to the test during the big strike, in 1928, of several thousand workers in the Conservancy staff of the Corporation for fair wages and bonus, and proved an "eye wash." Even the lump sum of Two Rupees (three shillings) as gratuity, sanctioned by the Corporation as far back as 1928 after two or three days' acrimonious debate, has not been paid even now.

The attitude of the extremist majority party in that Corporation towards the poor conservancy workers, belonging exclusively to the depressed classes is best illustrated by the following speech of one of their mouthpieces—a well-known Corporation Councillor, Babu Jitendrya Nath Bose—who in the course of the debate in the Corporation on 16th July, 1928, regarding that strike said: "They have been playing fast and loose with their poor comrades whom for years they call scavengers. They ought to have removed the grievances of these men in 1924. What had they been doing? They had been trying to shelve the question all these years. The Corporation was responsible for this strike and not any outside agency, not Miss Das Gupta, nor Mr. Daud, nor Mr. K. C. Roy Chowdhury. The Corporation sat tight on the grievances of these scavengers, who had waited from March, 1924, to March, 1928. These men went on strike in March, 1928, when having obtained an assurance they resumed work. Then the Corporation had

to shelve the matter and bluff. After committing repeated breaches of faith on this question with those comrades of theirs, it was just and proper that the Corporation should make some penance and they should not grudge this small sum of strike pay. Having committed repeated breaches of faith in the past, it was now up to the Corporation to make amends and not deviate in the least from the very wholesome recommendation before you. It was a question of congratulating themselves that they had been able to settle the matter so cheaply. The Corporation went to the length of requesting the Commissioner of Police in order to break the strike to arrest and prosecute some of the strikers and their leaders as the following resolution passed at the meeting of the Corporation on 16th July, 1928, shows: "That the chief Executive officer be directed to send a letter to the Commissioner of Police requesting that all cases, pending in criminal courts against these scavengers and their leaders be withdrawn." There was a fresh strike of the Corporation cartmen who remove refuse from the streets in the fourth week of May this year. The Police Commissioner was called to the spot and the Police were obliged to shoot and wound one or two workmen. Take the case of Ahmedabad (Bombay) mill-owners, the Western India leaders of Swaraj movement, who ordered in May, 1933, on the plea of depression, a huge cut in wages of their operatives in face of the facts that British textiles are tabooed and protective duty increasing to 75 per cent. has been imposed on Japanese fabrics and that Swadeshi cloth is in great demand with the inevitable result—a big strike called by Ahmedabad Labour Union, reported to be one of the best unions in India, and under the direct influence of Mr. Gandhi, who acted all along as an arbitrator between Ahmedabad mill-owners, who are his political followers, and their operatives and established the principle of Joint Industrial Council there.

Trade unionists all over India have reasons to believe that the prosecution of some of the innocent Trade unionists of Bengal, Bombay and the United Provinces before the Historical Tribunal known as Meerut Trial and their subsequent acquittal was instigated principally by the Mill owners of Bombay. For reasons based on actual facts stated above in this paragraph and further reasons stated below the Trade unionists in



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Bengal are justified in their apprehension that the new Constitution as sketched in the White Paper transferring trusteeship of the masses from the Parliament to the Indian legislatures without definite safeguards for protection of labour will not be helpful. There are scores of cases where Employers frequently sought the assistance of Police to break ordinary strikes (e.g., the strike of workmen of the East Indian Railway workshop at Lilloah, near Calcutta, in 1928, the famous deadlock of Steelworkers at Tatanagor in 1930, and the Police were obliged to resort to shooting workmen. Trade Unionists in Bengal have reasons to apprehend that under Provincial autonomy with an Executive fully responsible to the Legislature, pressure will be most frequently brought on the Ministry of Police to break legitimate strikes and deadlocks by shooting and taking punitive measures notwithstanding the presence of seven or eight labour representatives in council. Past experience indicates that there will be frequent repetition on purely economic grounds of the big Corporation scavengers' strike in 1928 in Calcutta and complete stoppage of removal of refuse and other municipal work for days together, endangering public health and human lives, the Police under the Ministry will be more readily utilised and there will be more shooting than ever. The reaction on the workers' minds after shooting will be more determined than ever. The Governor under the White Paper scheme will be powerless to intervene and the result will be chaos. There is still another reason why workers demand safeguards. Not infrequently Speculators in Bombay and specially in Calcutta have directly or indirectly promoted industrial strikes and financed strike leaders for gambling purposes, e.g., during the big strike at Tata steel works in 1930, the Share market Operators of Bombay supplied funds. The most glaring case of speculators engineering and financing industrial strikes was the devastating Jute mill strike in 1929 affecting more than 150,000 mill hands for weeks and causing huge loss of their wages—the biggest Jute workers' strike in History without real economic grounds. Facts about this, viz., the connection of the Hessian speculators of Calcutta who operate in the Fatka Buraas (Futures market gambling booths) with that strike, were placed before the Whitley Royal Commission in 1930. Many thousand Jute workers left factories for their village

homes and the industry was dislocated, causing untold misery on all connected with and dependent on the Jute industry. The chances are that there will be recrudescences of this type of deadlocks and lightning strikes at the instigation of gamblers who will join hands with politicians having personal motives, to grind the poor mill hands and deprive them of their bread and depress their standard of living. Neither the Ministry of Labour nor the Council will be of much use to check this evil. In a case like this and in all cases where workers are victims of either the Employers, or the Police or the politicians or the gamblers the Governor alone can act and act swiftly if he has a special responsibility to act, to take prompt action to call immediate Conferences, to forbid Police interference and above all to proclaim to the workers his intention to intervene in the workers' interest and thus restore industrial peace and harmony. In the same manner and for identical reasons, the Governor-General should have a special responsibility for the protection of nearly a million of Railway workmen, Post and Telegraph employees and Maritime workers and others employed in public utility services under the Federal Government. We have bitter experience in the past of strikes on the G.I.P. Railway, E.I. Railway, not to speak of the famous strike on the Assam-Bengal Railway and Steamer Service, already alluded to, as specific instances of direct action purely for political purposes. There are indications that the future tactics of Revolutionary politicians will be the wholesale use of railway and other labour as pawns in their political games and their subversive actions. It is already in their air that the Irish method, viz., direct action and Larkinism, will be resorted to, at the expense of tens of thousands of Railwaymen, Dock and Maritime workers, having no direct interest in the political issues. It is therefore all the more necessary that the Governor-General should have a special responsibility "for effective protection of the economic interests of Indian working classes." It is perfectly true that the Governor-General and Governors under the White Paper Scheme will have a special responsibility "for the prevention of grave menace to the tranquillity of India or of any part thereof." The Bengal Trades Union Federation is very doubtful whether large-scale Railway or industrial strikes, engineered or en-

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couraged for political and personal purposes, unaccompanied by violence or sabotage, will at all come under this head of special responsibility. Neither will a Municipal Scavengers' stoppage, unassociated with violence, come under that category. On the contrary, Employers will press Governors to intervene in their interest on the plea of prevention of menace when a deadlock and its incidental minor breaches of peace occur and continue for some time.

Indian Trade unionists have reasons to fear that Labour will fare badly with the immediate prospects of rapid industrialisation under Protective Tariffs. Many more lakhs of peasants will be lured from their healthy village homes to factory towns with its demoralising and devitalising environments, and the power of wealth in few hands will grow immensely and will be utilised to suppress Labour. In fact, even the Nehru Report on Indian Constitution, published in 1928, page 48, says, "That there is no doubt that the power of wealth is great in the modern state. It is so great that it seldom troubles to contest seats in the Legislatures, as it can pull the strings from behind." The strings will be pulled from behind all right, and more vigorously under the new Constitution, as proved by our past experience of Montagu Councils and Assembly when Bengal Tenancy Amendment Bill in Bengal Council, Salt Duties Amendment Bill and Certain Industries Bounty Bill in the Assembly were taken into consideration. Hence the imperative necessity to provide safeguards, during the next few years of transition, for effective protection of the economic interests of millions of India's working-class subjects of His Majesty—the real backbone of the Indian nation—whose good—the good of the largest majority—should be the primary object of framing the new Indian Constitution.

B410. Is it in order, Mr. Joshi, that questions should be addressed to you or to Mr. Shiva Rao?—(Mr. N. M. Joshi.) I think to Mr. Shiva Rao.

Earl of Derby.] You will make any statement you like, Mr. Joshi.

Sir Manubhai Mehta.

B411. I will confine my questions to Mr. Roy Chowdhury. In paragraph 1 of your memorandum, you refer to Fundamental Rights?—(Mr. Chowdhury.) Yes.

B412. You say "This British conception of constitution will not hold water

in an Oriental country like India where social and socio-economic conditions of the poorer and working classes are positively different and where brutal practices exist that should be swept out of existence by Statutory instruments." You advocate the adoption of a plan that has found favour in the modern constitutions of the Soviet Republic and certain other modern constitutions like those of Czecho-Slovakia and Germany?—And Ireland.

B413. May I ask you if the inclusion of fundamental rights in the constitution of Germany has safeguarded those fundamental rights?—To a great extent.

B414. They have safeguarded them?—Yes. May I give you an instance: Articles 151 to 165 of the German Constitution provide what they call the Economic Council—the Economic Division of the Constitution.

B415. I am not referring to the Economic Council?—They are under that head, and it provides that primary education shall be compulsory—No. 1; No. 2, that the workers and employers shall co-operate on an equal footing through the Factory Workers Council, through the Reich Council and so forth.

B416. You are more for such declarations of rights as freedom of speech and freedom of association. Are those respected in Germany any more?—As a matter of fact those are the usual rigmarole of rights, if I may say so, but what we really need in India, are, as you may say, the *bona fide* rights, the right to have an old age pension, the right to have sickness benefit, the right to insurance, the right to have compulsory and free elementary education and a workers industrial council, as was strongly recommended by the Whitley Commission.

B417. You would claim enumeration only of those fundamental rights which are ordinarily claimed by labour?—By labour, and the peasants; both. For example, I claim the right of fixity of tenure and fixity of rent for the peasant.

B418. You would consider that more advisable than the personal liberty and safety of property?—Yes; I should think so. In paragraph 5, you say "The Bengal Trades Union Federation agrees with the White Paper proposals investing both Federal and Provincial Legislators with concurrent power to pass labour laws subject to this proviso that Federal labour laws should be made operative in the Princes' States to avoid

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unfair competition and ensure protection of States labour."?—Yes.

B419. So you deny to an Indian State the right which you would give to a Province?—I do not deny the right. I want the States to have the same rights as the Provinces.

B420. The States may have their own laws and you want the Federal laws to be applicable to the States?—Yes.

B421. So you deny the right of the States to make their own laws?—They are coming into the Federation and they should abide by its laws passed by the Federal Assembly on which their nominees will sit.

B422. My question is that when you are prepared to allow the Provinces their autonomous rights of making laws as regards labour, you deny that same right to the States?—The Central Legislature is given certain rights and the Provincial, but in the States they are the Central and they are the Provincial, both combined. I want to treat the States as Provinces

B423. As to the Federations, they are in the position of Provinces?—Yes, the powers of legislation are divided into Central and Provincial. The Central powers do not include the powers of the State; they do not include anything to do with the State.

Sir John Wardlaw-Milne.

B424. As I understand the witness, his submission is that in regard to all Federal subjects under the White Paper the States should give up all rights?—Yes; that is my point. It is quite clear.

B425. I do not ask you that, but that is your point?—That is my point.

Sir Manubhai N. Mehta.

B426. The States should not have those concurrent rights which you are prepared to concede the Provinces?—No; let the States have the same concurrent rights as the Provinces have.

Earl of Derby.] Will you put questions on Memorandum 54 at the same time?

Sir Manubhai N. Mehta.

B427. Yes. (To the Witness): You say in paragraph 3 (D) of your Memorandum 54: "If the Princes are going to be given the sole authority to define, in their Instruments of Accession, their powers and jurisdiction in respect of those matters which they are willing to recognise as federal, it is only logical that in the Federal Executive and Legislature their right of vote should be re-

stricted only to such matters and there is no justification for allowing them to vote on purely British India subjects." May I first remind Mr. Shiva Rao, even in matters of treaties of accession, the Princes are not going to be given the sole right to define their jurisdiction or the extent of the subjects. You know if the Princes' demands are not reasonable the paramount power is in a position to refuse to accede to the treaty of accession from that state?—(Mr. Shiva Rao.) Yes, that is so.

B428. I should like to know what you regard as matters purely affecting British India. Suppose there is legislation for an increase in the marriageable age of girls, it is a British-Indian question because it is not federal, but would not you say that the States are equally interested in matters of social reforms?—Yes, they may be equally interested in matters of social reform. (Mr. Joshi.) May I say it is true that the States are equally interested, but the legislation will not affect their subjects at all.

B429. I have explained to you, Mr. Joshi, that the demarcation between one State and British India does not put a stop to inter-marriages. A bridegroom from British India may marry a girl from a State and the law will operate to the extent that it will prevent the marriage?—True, but the marriage will have to be celebrated in British India.

B430. So it is not merely upon the forum that the law will apply, but you say it is a personal law?—May I say that on the same analogy, any law passed by an Indian State will affect British India, and we are not claiming any rights of interference with the States.

B431. But we have not denied you the right to come into our Legislature. There are many British Indians who come to our Legislature and we have not denied them the right of asking questions?—Similarly, our Constitution is going to provide that a subject of an Indian State may become a candidate in British India. The same right is given to the subjects of the Indian States.

B432. Yet you say he should not be entitled to vote on such subjects?—We say a representative of the States should not vote because the legislation will not apply to the Indian State.

Nawab Sir Liaquat Hayat-Khan.

B433. Mr. Chowdhury, I want to ask you a question. Will you please refer to paragraph 2: "Second Chambers" in

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your Memorandum No. 55, where you suggest that a certain number of seats should be reserved for Labour over and above what is provided for in the White Paper. How do you propose that these seats should be filled up? Do you suggest that these Labour representatives should be nominated by the Governor-General, or should this be by election?—(Mr. Chowdhury) Are you speaking of the Provincial Chamber?

B434. No; I am talking of the Upper Chamber, the Second Chamber, where you ask for extra seats for Labour?—Yes.

B435. How do you propose that these extra seats should be filled up—by nomination by the Governor-General or by election?—Nomination has been generally tabooed in India. The investigation of the Lohian Committee shows that nomination is looked upon with great disfavour, but I shall give this reservation, that in the case of any experts the Government may require they will have to get them through nomination—labour experts, just as economic experts are nominated in other Legislatures. In the case of experts I would favour nomination, not otherwise.

B436. My question was whether the extra seats you are asking for in paragraph 2 you would desire to be filled in by means of election or by means of nomination?—By means of election.

B437. If they are to be filled up by means of election would you then alter the franchise qualifications for the filling up of those seats, because you add in the same paragraph that for the Upper Chamber the franchise qualifications are harder than those for the Lower Chamber? It is intended to send representatives from the propertied classes and all that sort of thing?—Yes.

B438. How do you reconcile that franchise with a Labour candidate?—I want to see the franchise lowered.

B439. You want a complete alteration in the franchise?—No, not a complete alteration. Let me clear my position. We think that so far as the Labour seats in the Upper Chamber of the Central Legislature are concerned there should be an Electoral College composed of, say, members of registered Trade Unions, just as in the case of the seats for commerce and trade in the Upper House it is the Bengal Chamber of Commerce; it is the other Chambers of Commerce. They send their representatives by election among themselves. Individually they have no

property qualification. Individually, for example, my friend Sir Hubert Carr, if he wants to go to the Upper Chamber, may not hold any property at all, but he is a member of the Chamber of Commerce, so I say Labour representatives must be members of an organised Labour body in order to enjoy the franchise.

B440. Then they should depend for their election to the Upper Chamber on this Labour organisation—this Labour Chamber; that is what you propose?—Yes.

B441. Not the ordinary method?—No.

B442. Would you turn to paragraph 3 of your Memorandum?—Yes.

B443. There you mention that "Owing to attraction of Intellectuals towards Indian labour movement their number will increase and some 'Philip Snowdens' and 'Pethwick Lawrences' will be forthcoming to represent labour in Indian Legislatures"?—Yes.

B444. When that happens do not you think men of that position will be able to secure their election through general electorates? Why should they seek special electorates in order to go into the Council if they were men of that character?—Because how are the voters in the general electorates to know whether they have sympathy with our movement unless they join our Unions? I was a member of a Trade Union in Manchester.

B445. Am I to understand that distinguished representatives of Labour will not have a fair chance in a general electorate?—No.

B446. Will the people hesitate to vote for them in a general electorate if they are men of the position that you mention here?—Exactly, because the general voters will go either on the Communal ticket or on some other ticket, but those who come to our Unions will have to go on our ticket.

B447. I suppose you mean the general electorate would not vote on merit at all?—That will happen during the transitory period, I suppose.

Sir N. N. Sircar.

B448. I want to put two questions to Mr. Chowdhury. On the last page of your Memorandum you conclude by suggesting that there should be more safeguards: what do you want exactly?—The safeguards for the protection of the economic interest, as distinguished from Communal, as distinguished from other interests—

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B449. Instead of indulging in that kind of general language, will you just give us a draft of a safeguard that you want?—Exactly. I will give the same draft as in the White Paper, where they talk about the protection of minorities and so forth. I would simply say “The protection of the economic interests.” In fact, that appears in one of the Constitutions of Czechoslovakia. I can quote it here.

B450. I do not want to go to Czechoslovakia. Would it satisfy you if we put “for the safeguarding of economic interests”?—Yes.

B451. That is what you mean by the last two pages of your Memorandum?—Yes. (Mr. *Joshi*.) I think I should make it clear that on this point we have our own views, and the second point which I desire to state is this, that the Indian organisation, which three of us represent, is the National Trades Union Federation and the Bengal Trades Union Federation, which Mr. Chowdhury represents, are affiliated, and the Memorandum which we have submitted is a Memorandum which is approved even by the members of the Bengal Trades Union Federation. So far as I can see, the proposals of our Memorandum in this respect are acceptable to the Bengal Trades Union Federation.

Mr. *Isaac Foot*.

B452 Memorandum 54 also really covers Memorandum 55?—(Mr. *Chowdhury*.) Let me make a counter-explanation of what Mr. *Joshi* said. It is perfectly true that some of the members of the Bengal Trades Union Federation have approved of the points in the Memorandum that you are discussing—the National Federation.

Sir *John Wardlaw-Milne*.

B453. Memorandum 54?—Memorandum 54, but subsequently, after those resolutions were passed, our Members, Members of the Executive Committee, thought of not subtracting but adding something to this. That is all; we have added that portion.

Nawab Sir *Liaquat Hayat-Khan*.

B454. Yours is really a supplementary Memorandum to the Memorandum with which this organisation is concerned?—It is an additional suggestion from the Provincial organisation.

B455-6. That being the case, Mr. *Joshi*, will your organisation accept those additional suggestions as yours also?—(Mr. *Joshi*.) No. It is for that reason I

made a statement that we are not responsible for any statement which may be made which is inconsistent with the Memorandum which the larger organisation has submitted.

Sir *John Wardlaw-Milne*.

B457. Or which goes further. You say, “which is inconsistent.” Do you add to that, “which goes further than 54”?—I will not say forward or backward, because it is very difficult to say which is forward or which is backward.

Mr. *Isaac Foot*.

B458. Your responsibility is only for your own Memorandum?—Yes.

Earl of *Derby*.

B459. As your two Associations have agreed to come together in response to a suggestion by me, we should continue now asking questions of both of you, and, at the end, if there is anything in the evidence given by the other body to which you take exception, the Committee, I am sure, will be glad to hear your explanation and your submission?—Yes.

Sir *N. N. Sircar*.

B460. One more question. In Mr. Chowdhury's Memorandum you are referring to the Trade Unions. In the present Indian conditions, is it not a kind of thing which can be easily got up, these pocket Trade Unions?—(Mr. *Chowdhury*.) Some of them have been got up.

B461. Will you accept my suggestion that it is easy to get them up? There is not much difficulty in getting up these pocket Trade Unions?—It depends on the *bona fides* and the standing of the Trade Unions that you can get up.

Sir *Hubert Carr*.

B462. May I get clear in my mind the difference between the two Unions? Taking the Memorandum of the National Trades Union, I was going through it carefully, and I see, taking paragraph 4, that 19 out of 21 points are purely political, and of no particular interest to labour. I was wondering whether one might draw the deduction from that that perhaps the National Trades Union is more interested in politics whilst the other Union is more interested in the sociological side of labour. Would that be a fair deduction?—(Mr. *Joshi*.) I can say this, that every Union which is included in the Bengal Trade Unions Federation is included in the larger body.

B463. You take more the political side, and the other Union the sociological side?

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—No. I think the point is that our Memorandum is a fuller Memorandum. It deals with many more points than the Bengal Memorandum deals with.

B464. If I have not overlooked it, in the National Trades Union Memorandum I was surprised to find that there is no reference made, as far as I know now, to an Industrial Council. The Royal Commission on Labour, on page 467, and the following pages, was very strongly in favour of it, and taking page 467, they say: "We recommend that when the new Constitution is framed the Council, whether it has been established by that time or not, should find a place within the Constitutional structure." I notice the Bengal Trades Union has referred to this. I was wondering whether you could throw any light as to the attitude of Labour on the Industrial Council. Would Mr. Shiva Rao tell me whether it interests his Association or not, or am I correct in saying it is neglected altogether by them?—(Mr. B. Shiva Rao.) No, it is not neglected at all; we attach very great importance to that.

B465. Is it mentioned in your Memorandum?—I do not think it is mentioned, but we have suggested in paragraph 4 (d) that we must have a separate Department of Labour in charge of a Member of the Cabinet. (Mr. Joshi.) May I supplement that reply? I was a signatory to the Report which Sir Hubert Carr has quoted. The point is that that Commission recommended the establishment of an Industrial Council. We did not put it in this Memorandum dealing with the Constitution for the reason that it is quite possible for the Indian Legislature itself to establish an Industrial Council without taking power from Parliament to do that specially. The Indian Legislature can establish an Industrial Council without taking special power from the Parliament to establish such a Council. That is the reason why there is no special mention in our Memorandum of the Industrial Council.

B466. I recognise it can take the power, Mr. Joshi, and the Royal Commission on Labour presumably, of which you were a member, recognised the power, but at that time you thought it should find a place within the Constitutional structure, did you not? You were not sure, in fact, whether the Indian Legislature would set up a body such as was visualised by the Royal Commission on Labour?—Yes, but now when we are going to have a Federation where even

the Princes will be represented it will be quite possible for the Federal Legislature to establish a Council where, if the Princes choose to join, they can join.

B467. Yes, but there is no certainty that they will. Mr. Shiva Rao, I understand, suggests that a Labour Department should be established?—(Mr. B. Shiva Rao.) It is in paragraph 4 (d).

Earl of Derby.

B468. Paragraph 4 (d)?—Yes, that is right.

Sir Hubert Carr.] That hardly takes the place of an Industrial Council. I do not want to press it, but it will be a very different body. The Labour Commission attaches so much importance to this that it is rather significant that your Association should have taken no notice of it at all in a Memorandum dealing with the future constitution.

Sir Joseph Nall.

B469. What is the reference to it in Memorandum No. 55?—(Mr. Chowdhury.) It is in paragraph 1, the fourth sub-paragraph of our memorandum.

Sir Hubert Carr.

B470. It is in paragraph 1, about six lines down the fourth sub-paragraph?—(Mr. Shiva Rao.) We took the view that it would be open to the Minister in charge of Labour in the Federal Government of the future to see to the setting up of such an Industrial Council, with the consent of the Federated States. (Mr. Joshi.) May I supplement that reply, my Lord Chairman? Personally we shall be very glad indeed, if the Joint Committee comes to the conclusion that the Indian Legislature will not have the power to set up an Industrial Council, then that Parliament should provide for it in the Constitution itself, but the view which we took, and personally I took, was that an Indian Legislature will be able to set up a Council, but, if the Joint Committee comes to the conclusion that the Indian Legislature will not be able to do it, then certainly we urge that the Constitution itself should provide for a Joint Industrial Council.

Earl of Derby.

B471. In other words, you adhere to the proposal of an Industrial Council. Your personal opinion is that that can be set up without its being actually placed in the Constitution, but, if it is found that it cannot be so set up, then



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you ask that it should be placed in the Constitution? Is that your position?—Yes.

Sir Hubert Carr.

B472 In paragraph 6 of the Bengal Trades Union Memorandum it is suggested that the Governor should have a special responsibility with reference to the economic condition of labour. Could you help me? How would that be exercised? In what conditions?—(Mr. Chowdhury.) It would be exercised when, say, the Minister in charge of Labour and Industry does something which is not for the protection of Labour, and the Governor interferes. I will give you a hypothetical case of which we have bitter experience. In many of these industrial strikes the police is called to break the strike by shooting. I will give authenticated instances here, and I think some friends on this Committee know. In the future Legislature of the country the Minister is responsible to the Legislature all right, but that Legislature has only eight Labour members there. The majority are not Labour. Far from being a majority they are in a hopeless minority. When the employers want to use the Ministry of Police or the Ministry of Labour, they will do it easily. Therefore, if there is a special power vested in the Governor it may not be that that power will be exercised always, but the presence of that power will act as a deterrent.

B473. I have not heard of the process of breaking the strikes by shooting.

Mr. A. H. Ghuznavi.

B474. It happened once?—I gave an instance in the Memorandum. That is the usual practice of breaking strikes.

Nawab Sir Liaquat Hayat-Khan.

B475. Does not that happen when a strike develops into a violent mob?—When the people are on strike, there is a bit of starving, there is a bit of picketing—(Mr. Aftab Ali.) On this particular point I feel it my duty to speak, because this is being said on behalf of the Bengal Trades Union Federation of which I have been Secretary since 1930. (Mr. Chowdhury.) He was.

Earl of Derby.

B476. Are you the Secretary now?—(Mr. Aftab Ali.) Yes, I am the Secretary, but another is acting in my place. When I go back I will be the Secretary automatically. Our membership is

21,900. The Seamen's Union consists of 15,000 members, that is to say, almost double the rest of the Unions altogether, and I have been general Secretary of the Seamen's Union since 1928. I was the Delegate to this year's International Labour Conference at Geneva, I take objection to the suggestion which has been made by Mr. Chowdhury with regard to the special powers. The Bengal Federation has never wanted it, and this Memorandum, as far as I am aware, is not the Memorandum prepared by the Bengal Trades Union Federation. Mr. Joshi.) May I give a counter explanation?

Earl of Derby.

B477. I do not think we can have differences of opinion between you two. We have to decide for ourselves. I think we can hear the evidence?—Yes.

Sir Hubert Carr.

B478. There is a substantial number who require special responsibility for the Governor, and I was wondering from that, how you think with regard to nomination as opposed to election? If you require the Governor's special responsibility, that is to say, you cannot trust entirely to your Ministers, are you not prepared to trust to your Governor making suitable nomination to the Council?—(Mr. Chowdhury.) I think the question of nomination has been ruled out altogether, and it would be too late in the day to reopen it.

B479. Are you nominated?—Yes, I have been, because there is no election for Labour seats.

B480. Would you consider that you satisfactorily represent Labour?—Mr. Joshi is also nominated.

B481. I take it all you gentlemen satisfactorily represent Labour. If you go for election you are discontented with the number of seats given, which is eight in Bengal. May I suggest that there are eight given to Labour Constituencies, and I understand, 30 to the depressed classes who are also very largely labourers and 119 to the Muslims, who again to my knowledge, supply a tremendous number of the labourers of Bengal? Would you consider Labour interests are entirely restricted in representation to the eight extra, as I think Mr. Chowdhury called them? I will address that to Mr. Shiva Rao?—(Mr. B. Shiva Rao.) The election of Muslims or of the depressed classes will be entirely on a communal



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basis, and I think, at any rate in the first few elections in the new Constitution, the chances are that amongst the depressed classes and the Muslims, those who are well-to-do, and who do not represent Labour, will get into the new Legislatures, and with them communal considerations rather than economic considerations will come first.

B482. Would you agree with, what I think Mr. Chowdhury admitted, that in the present embryo state of trade unionism in Bengal unions can be got up very easily?—I cannot speak of Bengal but I will speak of Madras. It is not by any means easy to get up trade unions for the simple fact that members of the executives of trades unions stand a risk of being dismissed by their employers, and I can give you instances where every member of the executive of a registered trade union has been dismissed, and no one has come forward to protect him, certainly not on the side of the Government.

B483. In that case would not you expect that, perhaps, the Governor, knowing those conditions, would nominate a better representative of labour than those who do not organise or else are organised in the way in which Mr. Chowdhury explains?—I would rather leave it to the trades unions' organisation to choose their representatives in whom they have most confidence.

B484. Leaving the others unrepresented?—For the time being. (Mr. Joshi) May I supplement this reply? It is true that it may be possible for some people to start a registered trade union because registration of a trade union requires only seven members, but it is not easy for anyone to get large membership for a trade union and the right of election which we are seeking would be given to all the unions together, either in one industry or in one Province, so that although it may be possible for any outsider to get together seven members and to get a union registered, he will not succeed in an election unless he builds up a large membership for that trades union, which is not very easy for any outsider, unless he has sympathy for labour.

B485. You will understand that I am not trying to whittle down the representation of labour, but I do suggest that your recommendations with regard to election are not likely to get those people who are really interested in the sociological side of labour as opposed to those

who are interested in the political side, and the power which the political use of the unions would give to members?—We take the view that taking all the circumstances into consideration, we shall get better men to represent labour interests by election, than by nomination. That is the view which we have taken so far.

Sir Hubert Carr.] In view of the witness's answer, I find it difficult to accept that, but that finishes my questions.

Mr. G. H. Ghuznavi.

B486. Mr. Chowdhury, will you refer to paragraph 3 of your memorandum, No. 55? You say that workers do not join trades unions owing to the opposition of their employers?—(Mr. Chowdhury.) Yes.

B487. Do you know of any case where a worker has been penalised by an employer for joining a trades union?—Yes; I know of two or three cases.

B488. Give us those cases?—There are so many Bengal jute workers' unions, but one I have particularly in mind. The employers have a rather poor idea from their point of view about the *bona fides* of those jute workers' unions. They thought that the unions, of the type I have in view, which did function more or less for a time, were more or less political bodies.

B489. A communist body?—Call it anything you like, not exactly functioning as an economic body, but the workers did not know the difference between the political side and the economic side, and as soon as they had joined they were told that they had got to give up their connection. That is one of the cases I know.

Sir John Wurdlaw-Milne.

B490. May I ask a supplementary question on that? Are you aware that there are employers in this country who still refuse to recognise trades unions?—Yes; I am quite aware of that.

Sir Hubert Carr.

B491. Might I also put a supplementary question? Do you know of any case where employers have started unions and encouraged them?—They did not actually start unions but they did encourage unions.

Mr. Ghuznavi.

B492. What do you suggest should be done if an employer penalises a labourer for being in a trades union?—I suggest some amendment in the Trades Union Act of India. I demanded a penalty

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on any employer or his agent if he victimises a workman because he is a member of a trades union.

Sir John Wardlaw-Milne

B493. Again, may I ask a supplementary question? Such legislation would be going further than any other legislation of the kind anywhere in the world, would it not? Is there any such legislation anywhere else in the world?—The Indian Trades Disputes Act to which I am referring does penalise certain labour, for example, for going on strike without notice.

B494. With great respect that is not an answer to my question. My question is—Is there in the world, that we know of, any example of similar legislation to that which you suggest?—No; I did not suggest it, but I was asked the question I did not suggest such a thing.

B495. May I put it clearly, because you were asked what you would suggest to prevent victimisation, and your answer was, as I understood it—the Committee will correct me if I am wrong—that you have suggested or did suggest that there should be some amendment of certain Acts which would force an employer to recognise a Trades Union?—Yes.

B496. Who refuse to engage a man who was a member of it. I ask you is there to your knowledge in the whole world any such legislation?—No; I do not think there is any such legislation. I admit that.

Mr. Ghuznavi.

B497. Will you please turn to paragraph 4? Whom do you suggest will discriminate between what you call genuine trades unions and unions formed and registered for political and personal purposes, or unions subsequently captured by politicians, or self-seekers?—The electoral officer—when the officer prepares the electoral roll of the members of the trades unions. That is what was suggested by the Whitley Commission, how to set about it. It is for the electoral roll preparing officer to find out the *bona fides*, or otherwise, of the trades union, the members of which he was putting on the electoral roll.

B498. You suggest that the officer in charge of the electoral roll should discriminate?—Yes.

Sir John Wardlaw-Milne.

B499. I only ask these supplementary questions to save time. Are you seriously suggesting that one individual, whoever

he may be, should decide what are the political opinions of an enormous body of people?—No; I have never suggested that.

B500. I only want to be clear what your answer is. I am not putting words in your mouth?—The Constitution provides a machinery for preparing the electoral roll of special labour constituencies. I am not here to suggest whether that is the only method to give the power. There may be some other method and I would rather omit that portion of my answer when I said that the electoral roll preparing officer should have the power. I say a Commissioner or Tribunal should have the power as suggested by the Whitley Commission.

B501. I understand you wish to withdraw your previous answer?—Yes. (Mr. Joshi.) May I explain in order that there may be no misunderstanding on this point. What the Whitley Commission recommended was that there should be a tribunal in each province not to decide whether a union is a political union or an industrial union, but to decide matters of detail as regards membership, because certain unions may claim that they have 10,000 members, say, and there may be a challenge given that that union only includes 9,000, and this difference may be settled by the trades union, but every union that is registered should be given the right to vote.

B502. May I put it to Mr. Joshi that all that is perfectly correct, if I may say so, but it has nothing to do with Mr. Ghuznavi's question? His question was this. In this document it is stated that trades unions should not be recognised, if they become purely political. He asked who was to decide whether they were political or not. His first answer was that it should be the electoral officer. That is now withdrawn and there is now another answer to that question.

Mr. Ghuznavi.

B503. I think afterwards he said it should be a Commissioner?—(Mr. Chowdhury.) I really meant the tribunal. That question does not arise now. My answer is that it is for the legislature or for the Constitution to devise any machinery they like.

Sir John Wardlaw-Milne.

B504. You have not any views but you think something should be done?—Yes.

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B505. Perhaps we could ask the other body. (To Mr. B. Shiva Rao.) Have you an answer to that question? (Mr. B. Shiva Rao.) I do not understand what is exactly meant by a political union. The claim is for electoral powers to be vested in registered trades unions, and before a trades union is registered it has to go through certain formalities. It has to send up its list of applicants its constitution and the objects for which the trades union has been formed, to the Registrar of Trades Unions in its province. The Registrar must satisfy himself first that those objects are legitimate objects and that the people who have applied for registration are in fact workers, before he gives a certificate of registration. I do not see how exactly the difficulty would arise. (Mr. Chowdhury.) I do not say anywhere in my memorandum that the political union should be excluded. You will see that there is no mention of that. I said there are certain unions which are of a distinctly political complexion. I never said they should be excluded from the enjoyment of the Franchise.

B506. I did not say "exclude"; I said distinguish between a political and a non-political union. There are organisations which you do not consider to be true trades unions, you say, and then I put this question, whom do you suggest will discriminate to find out?—Some of these unions openly declare it. We have half a dozen Indian labour unions who openly declare themselves to be Communists, so their declaration is there. They do not register.

Sir John Wardlaw-Milne.] I suggest we have had the answer, that they have nothing to suggest but it should be done.

Earl of Derby.] Yes. I do not think we will take that any further.

Mr. Ghuznavi.

B507. On paragraph 2, in your Memorandum, what is the view of labour with regard to the Upper House? Have there been any resolutions passed by your Federation or any labour organisation upon that subject?—Generally speaking, the labour organisations do not favour a Second Chamber; they have not studied the point, because they have heard that a Second Chamber is associated with hereditary property and all that sort of thing. They have not given very serious thought to it. British citizens for half a century could not distinguish between

hereditary and elective Chambers, so you cannot expect Indian labourers to make the distinction.

B508. I asked you if you had passed any resolution on that subject in your Trades Unions Federation in Bengal. You have not?—(Mr. N. M. Joshi.) May I suggest that we have passed resolutions on that subject? We have passed a resolution in Appendix A: "The Federation is opposed to the establishment of the Federal Upper House. If, however, it is to be retained, Indian labour should be given adequate and effective representation thereon." We have passed a similar resolution about Provincial Upper Chambers.

Earl of Derby.

B509. That is Appendix A, in paper 54?—Yes. "The Federation is opposed to the establishment of Second Chambers, in any of the provinces in India. If, however, they are to be retained, Indian labour should be given adequate and effective representation thereon." Those are our views with regard to Upper Chambers.

Sir John Wardlaw-Milne.

B510. Perhaps you will allow me to ask a supplementary question on that. I noticed that resolution in Appendix A. Are your associations aware that in this country for probably hundreds of years, but certain for many years, legislation in favour of labour, from time to time, has been initiated by the House of Lords?—I have read something of the history of labour legislation in Great Britain.

B511. I did not say labour legislation; I said legislation which was in favour of the improvement of conditions of labour?—Yes. Such legislation has been initiated sometimes and whatever legislation has been passed has been passed with the consent of the two Chambers. I am quite aware of that fact. What we feel is that, considering the Constitution of the Second Chamber, labour legislation will make a slower progress than it can make without the Second Chamber.

Mr. Ghuznavi.

B512. Mr. Chowdhury, out of eight labour seats in Bengal, the local Labour Committee of the Bengal Government has allotted two seats for election by Trades Unions and six seats by direct vote?—(Mr. Chowdhury.) Yes.

B513. Do you consider that this is a fair division or do you suggest that the

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seats allotted to registered trades unions should be altered?—We spent a lot of time in discussing this and we found in certain areas there were no trades unions and in those areas big industries existed. Therefore we thought as there were no trades unions in coal mining districts and in the Tea Garden districts the best thing is to have a special constituency.

B514. Do you consider this a fair division?—I was agitating for half and half, four for special constituencies and four for trades unions. In my opinion, it should be half and half (Mr. Shiva Rao.) This was considered by the Bengal Trades Union Federation when Mr. Joshi was sitting as an associate member. We do not want that there should be special constituencies. We want all the eight seats to be given to labour and divided according to trade. Mr. Joshi was instructed by the Federation to press accordingly. Therefore the Bengal Trades Union Federation I am sure, although I am not speaking in its name now, welcome the alteration and change that has been done by the Bengal Government. Naturally they did not want the labour members to be returned.

B515. Your point is that they should all come back through the trades unions?—That they should all come back through the trades unions because the trades unions are working for the labouring class as a whole.

B516. You want all these eight seats to go to the trades unions?—(Mr. Shiva Rao.) That is also the view of the National Trades Union Federation, and in this they are supported both by the Whitley Commission and by the Report of Lord Lothian's Committee, wherever there are trades unions existing. We hold, as has been pointed out by the Whitley Commission, that if trades unions are given that right, it will stimulate the springing up of trades unions on a proper basis.

B517. You say in your memorandum No. 55, "An honest peasant living on the sweat of his brow is called a 'chotologue' "?—(Mr. Chowdhury.) Yes.

B518. That means an inferior person?—Middle-class people.

B519. There is an Hindu chotologue, is not there?—I am sorry to admit that is so. (Mr. Aftab Ali.) I fully agree with Mr. Chowdhury but you do not find any differences among the Muhammadans and Hindus so far as this social question is concerned. I have seen

Muhammadans who are highly placed who considered the Muhammadans, who were poor, as chotologues. I come from a Muhammadan family myself and we have found no differences between the rich Hindus and the rich Muhammadans, although they fight so much outside.

(Mr. A. H. Ghuznavi.)

B520. In your Memorandum, under the heading of "Special Powers and Responsibilities of the Governor-General and Governors," you say: "Trade Unionists in Bengal have reasons to apprehend that under Provincial autonomy, with an Executive fully responsible to the Legislature, pressure will be most frequently brought on the Ministry of Police to break legitimate strikes and deadlocks by shooting and taking punitive measures, notwithstanding the presence of seven or eight labour representatives in council." What do you suggest we should do?—(Mr. Chowdhury.) Special powers to the Governor. That is my suggestion.

B521. Is it your suggestion not to transfer Law and Order?—No; not a bit; it is not a question of the Law and Order. It is a question of the protection of the economic interests of Labour. It has nothing to do with Law and Order.

Sir John Wardlaw-Milne.

B522. Is it your claim that strikes should be allowed whether they became inimical to the public welfare or not; that is to say, whether they develop into violence; or do you consider that the powers of the Police, whoever may be in charge of them, should not be adequate to deal with a case of violence or other menace to the public peace?—That is a question for the Judiciary, whether the strikers exceed what is described in our Trades Disputes Act—legitimate picketing and that sort of thing; that must be left to the discretion of Police officers. and when it comes to court, the court will decide that.

B523. Before it comes to court there may be action being taken of which the Police must take notice. Somebody must be responsible for the public peace. Mr. Ghuznavi's question to you is: What do you want to take the place of the Police powers to keep order?—I say the Police are not at all necessary when there is a legitimate strike, but it is employed and it will be employed more in future.

B524. The business of the Police has nothing to do with strikes; it is to keep order, is it not?—I think my friend Mr. Ghuznavi has admitted before that the

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Police function most wonderfully during strikes.

Earl of Derby.

B525. What it means in your opinion is that, suppose Law and Order is given to Provincial autonomy, you are not satisfied that such a government, although it is autonomous to the Province, is strong enough, and you want the Governor to have special powers to go in over the head of his Ministers and declare that the strike must not be in any way dealt with, even on the question of law and order, by the Police?—Yes. (Mr. Joshi.) I do not want to go against your ruling, but it is somewhat disadvantageous to us that Mr. Chowdhury should be allowed to make a statement of which we do not approve at all. We are not asking for any special powers to the Governor in the way Mr. Chowdhury is asking, because we hold the special power given to the Governor is more likely to be used against us than in our favour. Therefore, we are not going to ask for that special power at all.

B526. In response to my ruling it was decided that after the evidence you should be allowed to make a statement which would deal with any questions which had been put forward by the other body which were contrary to your wishes and to your will, and you will be allowed at the end to make such a statement?—Thank you very much.

Mr. A. H. Ghuznavi.

B527. At the end of your Memorandum No. 55 you have suggested that the Governor-General should have a special responsibility for the effective protection of the economic interests of the working classes?—(Mr. Chowdhury.) So far as it is within his jurisdiction.

B528. Should not the Governor also have a special responsibility?—Yes, I have said so, both in the Province and at the Centre.

B529. What is your opinion with regard to the setting up of machinery for looking after the welfare of Labour by appointing a Labour Welfare Board in every Province that might look after housing, wages and other problems connected with welfare, and at the same time arbitrate in labour disputes?—That is all covered by the Industrial Council. That is one of the objects of the Industrial Council.

B530. Mr. Ali, do you know anything about the method of recruitment in the

Shipping Department?—(Mr. Aftab Ali.) Yes.

B531. Is there much jobbery there?—Yes, there is corruption from the top to the bottom.

B532. Will you illustrate what you mean?—If a seaman is to get a job he must part with the first month of his wages.

Sir John Wardlaw-Milne.

B533. To whom?—To the Shipping Broker. Government has kept brokers; they are always taking care of the first month's wages of seamen.

Mr. A. H. Ghuznavi.

B534. What he means is that the Shipping Companies employ brokers to get their crews?—No, a Shipping Company cannot employ a broker unless he gets a licence. The Government of India, by the Merchant Shipping Act, have a system of licensing brokers and they issue a licence to a certain individual who is in town and employed by the shipowners to recruit seamen for them. That broker is there and whenever the seamen are signed they have to give him the wages for a month and sometimes much more.

Sir John Wardlaw-Milne.

B535. Without in any way appearing to defend the system, may I ask you this question. Is not it usual for the person who acts as a broker in securing employment in every walk of life to get remuneration in some form or other?—At least for a job it may be given by those who are outside, but if the Government have a system of recruitment amongst the seamen and gave effect to the recommendations of the Geneva Labour Conference there would be no possibility of such a corruption going on at all now.

B536. Leaving aside the question of corruption, is not it usual in all walks of life for persons who seek employment to pay somebody to get them a job?—That is why this wrong should go. That is why I ask you that you must find some way out that this wrong should go.

B537. Your answer is that is usual, but it is wrong?—It is not usual. It is only while there is no other way; but for the workers to get jobs they do this. If we can put more union members into one ship, they do not pay. If we cannot do that, they pay.

B538. Leaving aside questions of unions or non-unions at the moment, is it not usual in India and in this country and in every other country for people to go to an employment agency of some kind if

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they want work?—Exactly. That is a question of advantage and disadvantage. It is easy to stop and we can stop it.

B539. You do not deny the system, but you think it is a wrong one?—Yes.

Mr. A. H. Ghuznavi.

B540. Do not you think it is advisable that the Seamen's Trade Unions should be allotted a specific seat in the Federal Legislature and in the Provincial Legislatures where there are such trade unions?—We as a Seamen's Union have no desire to make any special demand outside the common demands we are putting up with our national Trades Union Federation. (Mr. Joshi.) May I explain that our demand is that the Labour representation should be divided industrially; that if there are eight seats in Bengal we are quite prepared, and we consider a right way of giving representation, is that certain seats should be given to seamen; that certain seats should be given to the jute industry; and that certain seats should be given to railways; and in that manner the Labour representation should be divided according to industries. That is our suggestion.

Sir John Wardlaw-Milne.

B541. Who is to decide that? Do you want that kind of Act or do you want to leave that to the trade unions to distribute?—(Mr. Aftab Ali.) To the trade unions. (Mr. Joshi.) There are two methods recommended by the Royal Commission.

B542. It is quite simple; I only want your view?—I think it would be much better if you left it to the trade unions because the distribution will be by industries.

Earl of Derby.

B543. You say certain seats should be given to the trade unions and they should allot them as they think proper between the different industries?—We are in favour of dividing them industrially.

Mr. A. H. Ghuznavi.

B544. On page 114 of the White Paper in relation to shipping where there are mechanically propelled ships, that is made exclusively a Federal subject?—(Mr. Shiva Rao.) Item 17.

B545. Mechanically propelled ships is made an exclusively Federal subject. Are you satisfied with this, or is it your view that it should be a provincial or concurrent subject? I am asking Mr.

Aftab Ali?—(Mr. Joshi.) I quite realise that Item 17 is Federal, and if, after keeping it in the Federal list—

B546. In Bengal there are a lot of inland navigations with ships all mechanically propelled?—(Mr. Aftab Ali.) Yes.

547. That is the reason why I said, do you suggest it should be, in your view, provincial or concurrent?—It should be concurrent; it should be Federal as well as provincial.

B548 Mr. Shiva Rao, is not it a fact that the Indian masses in the main are agricultural?—(Mr. Shiva Rao.) A large number of them are agricultural, but it is also true that India is getting rapidly industrialised and is among the eight industrial Powers of the world according to the International Labour Organisation.

B549. Is it not a fact that many of those who work in, say, the jute mills, and other industries have an interest in land in their own villages?—Some of them have. I cannot speak about the jute industry because that is mainly Bengal. (Mr. Chowdhury.) Yes, most of them are agricultural people.

B550. They go back to the country?—Sometimes they go back. (Mr. Shiva Rao.) A very large number of workers are also becoming exclusively industrial. (Mr. Joshi.) Although I do not come from Bengal, I studied this matter as a member of the Royal Commission and I suggest a large proportion of the workers working in the Bengal jute mills do not belong to Bengal. They come from outside.

Mr. A. H. Ghuznavi.] That is so. They go back to the country, and they have got lands there.

Lord Snell.

B551. Mr. Chowdhury, in sub-paragraph 3 of paragraph 1 of your Memorandum No. 55, you draw attention to the death rates in various parts of India?—(Mr. Chowdhury.) Yes, in the industrial areas.

B552. May I assume that you desire that an Indian Parliament should be such as would secure such an advance in the social services as would bring about a reduction in the death rate in certain areas?—Yes, I do.

B553. That is your chief demand?—Yes.

B554. In the third paragraph you show certain signs of apprehension about the influence of Intellectuals in the Parliament representing Labour. Your fear



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there is that they may not understand Labour problems quite as closely as people who were born in and belong to the Labour classes?—I did not exactly say "apprehension." I said a certain amount of Intellectuals do come into our movement.

B555. Yes, but you draw attention to that with the view of stating that there ought to be an increased number of Labour seats?—Yes.

B556. Therefore, I assume, that you would prefer Labour representatives to the Intellectuals?—Yes, certainly, that is so.

B557. On the ground that they would have a closer knowledge?—Yes.

B558. It is not unfair to say, is it, that the Intellectuals, Indian and European, have been, in great part, responsible for the awakening of national consciousness in India, and, to that extent, they are not outside your gratitude?—No, they are not outside our gratitude. I admit that.

B559. In the last sub-paragraph of paragraph 6 you draw attention to the question of Tariffs?—Yes.

B560. Your fear is that this device of Tariffs, whatever benefit it may bring to the wealthy classes of India, those benefits will not extend, in fact, to the workers?—Yes.

B561. Therefore, to that extent, you are suspicious of them?—Yes.

B562. Mr. Shiva Rao, may I ask one leading question first of all? As far as anyone has any right to speak on behalf of the workers of India, the National Trade Union Federation has that right?—(Mr. B. Shiva Rao) It is the biggest organisation at present in India.

B563. And we may therefore take it that the views expressed in your Memorandum are in the main representative of the great mass of the workers of India?—That is our claim.

B564. From north to south and from east to west?—That is so.

B565. Your National Trades Union Federation is a definitely co-operative body; you want to co-operate with the Government in making a better and more prosperous India?—Quite.

B566. But, while doing that, you are disappointed, as expressed in paragraph 2 of your Memorandum, at the extent of the reforms proposed?—We feel that in several respects the White Paper proposals do not go far enough.

B567. In your own words they "fall far short of the assurances given by His

Majesty's Government at the end of the first Round Table Conference and reiterated at the end of the second Session"?—That is our view.

B568. That also is the representative view of your organisation?—That is so.

B569. You ask, so far as I understand it, for certain fundamental rights?—Yes.

Earl of Derby.

B570. What paragraph is this?—Paragraph 3.

Lord Snell.

B571. Paragraph 3 and Appendix A. You want certain fundamental rights secured as inalienable to the workers of India?—Yes.

B572. May I take it that those rights that you ask for are for the main purpose of minority safeguards against any contingencies that may occur?—Yes; they are safeguards from the point of view of the working classes.

Lord Snell.] The reason I asked you that is that there is another side to that. If fundamental rights are granted to the workers, if your governing class are at all like those in other countries, they will make on their account a similar demand for certain rights against striking, and other things.

Earl of Derby.

B573. They may make them. (Lord Snell.) They may make them?—Our feeling is that the White Paper does recognise the fundamental rights of property.

B574. Yes, I know?—And we feel we have on our side equal right to claim fundamental rights for the labouring classes.

B575. I am not denying that, but if it is conceded it does weaken the argument against the withdrawal of those rights which guarantee privileges to property. I will not pursue that because I have got your answer to that as far as possible. You are opposed to the principle of nomination?—Yes, we are opposed to it entirely.

B576. And would prefer that such representatives as you have were chosen by your own organisations?—Quite.

B577. Subject to removal and recall, and all the rest?—In the ordinary way.

B578. In any case, you ask us in the second paragraph of E for increased Labour representation?—Yes.

B579. The Franchise Committee, as you point out, recommended "a number which will give Labour a representation equal



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in strength to that proposed in the case of commerce"?—Yes.

B580. You would be satisfied with that?—Yes, because we point out in that same paragraph that capitalist interests are sub-divided into commerce and industry, landholders and Europeans, who, for all practical purposes will be voting, on questions which arise in the Legislature, on the side of the capitalists, and we claim that we should have the same amount of representation as these three interests put together.

Sir Hubert Carr.

B581. Might I ask a question as to whether the Witness would include a proportion of the depressed seats amongst Labour representation in comparing the total with your representation to capital as given in your Memorandum?—A few among the depressed classes may be there; it is rather a risk, but, especially in the first few elections, the landlords amongst the depressed classes will stand a very much better chance of election than the workers in the depressed classes, because elections in India are very expensive, as I know to my cost.

Earl of Derby.

582. And elsewhere?—Very much more in India than anywhere else. (Mr. Joshi) May I say a word in reply to Sir Hubert about the depressed classes. Theoretically it is true that the representatives of the depressed classes to a large extent should be the representatives of labour, but that is only theory. The difficulties are these. In the first place, the representatives of the depressed classes will be elected on communal electorates, with the result that social grievances will form the main plank for election. Secondly, as Mr. Shiva Rao said, it is the landlord among the depressed classes who has the better chance because he has the money to fight the election, but there is a third, and very important, reason why to-day we cannot afford to have them as Labour representatives, and it is this, that the depressed classes educationally are extremely backward. Any representatives whom they may send to the Legislature are not likely to understand the Labour point of view at all, and will not understand it for a long time to come. I do not suggest that the depressed classes should not get representation; I think they deserve it, because they have been kept down by the other classes so long that

I should give them representation under any condition, but they are not likely to be useful for Labour representation, because they will not understand the ordinary Labour point of view, and they will not have the ability to put forward that point of view in the Legislatures. That is really our greatest difficulty.

Sir Hubert Carr.

B583. Do I understand that the man who comes from the depressed classes, and is thoroughly capable of looking after his interests with regard to water supplies, temple entry, and so on, is not able to look after his interests in a factory?—I am suggesting that for a long time to come the representatives of the depressed classes will not be able to fight with ability the strong and powerful capitalist representatives in the Legislatures. I shall give you a few instances.

Earl of Derby.] I think you have made your case quite clear. I think we quite understand it.

Lord Snell.

B584. May we now return to the question of Labour representation, Mr. Shiva Rao. In asking for this increased Labour representation you are trying to follow the findings of the Whitley Commission, which said: "The presence of representatives able to voice the desires and aspirations of Labour, and to translate these into concrete proposals, is essential for the proper consideration of measures affecting Labour"?—(Mr. B. Shiva Rao.) Yes.

B585. That is to say, you conceive an increased Labour representation as adding strength to the Indian Legislature in every way?—Absolutely, but I would urge just one other point, and that is this: During the last 12 years practically all the Labour legislation that has been put through at Delhi has had the support of the Government, and the Government has naturally used all its votes to back up its own proposals. We are not sure who will be in power when the Federation comes into existence, but, from present indications, it will certainly not be very pro-Labour in its tendencies, so we want to safeguard the interests of Labour by additional representation in view of that change.

B586. I will finish at that, Mr. Shiva Rao, and just ask you another question which rather troubles me. That is to say, you are apprehensive as to what the

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Provinces might do in regard to the implementation of International Labour Conventions that have been agreed to at the Centre?—That is in paragraph (M). That is our fear.

B587. If the Provincial Legislatures hesitated a great deal on these points, would it not be, on the whole, for financial reasons—questions of financial embarrassment to a Province—and would that not be met if some form of sub-Convention from the Centre to the Provinces could be made for the purpose of implementing the Conventions of that kind?—Yes, we should have absolutely no objection to that method being adopted not only in regard to International Conventions, but subjects like Health Insurance, Invalidity and Old Age Pensions, which have been made exclusively Provincial subjects and which we want to be made both Federal and Provincial with concurrent powers for both Legislatures.

B588. You draw attention to the under-representation of labour so to speak in the Upper House?—There is no representation at all in the Upper House.

B589. No. I mean, moved perhaps by the pathetic loneliness of Lord Ponsonby and myself, say, in the Upper House here, you feel that labour ought to be well represented in the Upper House?—We will not feel so lonely if we get 10 seats.

B590. Only just one more point, and that is about strikes. The question of disorder has been mixed up with strikes; it always is here, but there is no necessary connection between men who strike for an increased wage and public disorder, is there?—Absolutely none.

B591. And in most cases where there are strikes, there is no public disorder?—I can give you a concrete instance. For instance in Madras City, whenever there is a strike organised by unions, with which I am connected, first of all, I give notice to the employer, and I also give notice to the police, and the Commissioner of Police gets into touch with me and arranges how many police constables, inspectors, or sergeants, should be placed outside a mill. There has certainly never been any trouble in Madras City from the point of view of law and order. I can give you an instance of Madura, where there was a big lock-out in 1921, because an employer put up a notice that the registered trade union should be dissolved by a particular date, otherwise there would be a lock-out, and

the men thought it would be better to defy the employer on principle, so they decided to be locked out. For seven weeks that lock-out lasted and 8,000 workers were in that lock-out. The Government refused to appoint a Court of Inquiry under the Trades Disputes Act although we asked for one. A sub-committee was appointed and the sub-committee unanimously reported, that, whereas before the union came into existence, whenever there was a strike there was always looting of shops, and the police had to be told to do special duty, after the union came into existence in spite of the fact that the lock-out went on for seven weeks there was not the slightest indication of any disorder.

B592. My last question is: Do you agree that it is unfair—not intentionally so, but, still, unfair—always to attach strikes to disorder?—I would say, there is singularly little trouble during a strike. Very occasionally when a strike or a lock-out has been prolonged for months there may be a little trouble here and there. I will give you the latest instance of the Madras Southern Mahratta Railway strike which lasted seven weeks last year when there was never any trouble.

Sir John Wardlaw-Milne.

B593. If I may say so, you did not in a sentence answer the question that was asked you, whether not taking Madras or Madura as special cases, but taking India as a whole, it was true that strikes had not been in the past generally associated with disorder of some kind?—Not generally.

B594. Your answer is No?—No.

Mr. Cocks.

B595. You said just now that you represent the largest Trades Union organisation in India?—Yes.

B596. I see you mention the Railway Unions in paragraph 1 of your memorandum?—Yes.

B597. Have they joined you now?—They are joining up. The new Federation—it is an amalgamated body—came into existence on the 10th May, and I left India on the 10th June, but even within those four weeks I know that four of the bigger unions had applied for affiliation.

B598. That would double your membership?—No; the actual membership given here, of Railway Unions is over 100,000. As a matter of fact, their latest Report

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gives 129,000 as the actual strength of the All-India Railwaymen's Federation.

B599. Your numbers will be enormously increased; they will be doubled or trebled?—Yes.

B600. Is there any large trades union organisation outside your Federation?—There are local organisations like the Bengal Trades Union Federation. There is the Madras Central Labour Board. Those are organisations more for local purposes, if I may say so.

B601. You include in your members Hindus, Muslims and the depressed classes?—We make no distinction at all.

B602. The growth of the Trades Union movement in India, apart from any economic benefits it may bring, will have the effect of breaking down communal differences?—It has had, I claim, a considerable effect already in South India, where the depressed classes problem is probably more acute than in any other part. We make it a special rule in our unions, that we should have a certain number of depressed class men elected as our representatives.

B603. So it is having the effect of breaking down not only communal differences but class distinctions also?—To a very large extent I should say so.

B604. What would you say are the labour conditions in India, industrially; are they good or bad?—Only a few days ago there did appear a cabled summary of what the housing conditions are in Bombay City, and I must say they are not much better in the main industrial cities of India.

B605. Apart from the housing conditions; I am thinking more of factory conditions, the hours and conditions under which the workers work?—We are claiming now at least that the recommendation of the Whitley Commission, of a nine hours day, should be put into effect and also that there should be some safeguard to prevent wages being driven down as they are now being driven down, in the textile industry.

B606. Those things have not been brought about yet; you are trying to get them?—We are trying to get them.

B607. Is there any limitation of hours at all in India?—In the factories, yes. There is a 10 hours day in the factories. I would like to point out that there are many industrial establishments which do not come under the definition of "factories" where there is no regulation at all. For instance, in what we

called the beedi factories, that is, the indigenous cigarette.

B608. What is the position regarding industrial and factory legislation in India? Is India backward there?—It is certainly very much backward in comparison to what you have in this country. There has been a certain amount of labour legislation put through during the last 10 years.

B609. But you have not made anything like the progress you would have liked to?—No.

B610. That is one of the reasons why you want legislation?—We hope the recommendations of the Whitley Commission will be put through.

Sir John Wardlaw-Milne.

B611. Is it not the case that the Factory Acts are extremely strict in India?—Strict in what sense?

B612. In regard to the hours. Are not they very strictly applied? I agree there may be some factories outside the Acts but so far as the Acts apply they are strictly applied?—I think the inspection of factories leaves a great deal to be desired, because many factories only receive one visit a year and I think, then, employers have previous warnings of it.

B613. It is not the Act but the application of it?—For violation of the provisions of the Factory Acts we hold that the punishments are far too light to be a deterrent.

B614. Again I say it is not the Act but the application of it?—Yes.

Mr. Cocks.

B615. In paragraph 2 of your memorandum, 54, I see you say, that your Federation has passed a resolution that this Constitution holds out "no prospect of the Indian masses and the working classes ever securing an adequate and effective voice and control in the legislature and administration of the country." When you say that, you are referring, are you not, not so much to the safeguards, but to the question of the franchise and the composition of the Chambers?—The restriction of the franchise and the utterly inadequate representation we shall have in the new legislatures.

B616. That is what you were thinking about; even if all the safeguards were swept away, you would still hold to that view?—We would still hold to that view.

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B617. On the question of the franchise you are in favour of adult suffrage, I understand?—Yes.

B618. There are certain administrative difficulties, you would admit?—Yes. That is why we have supported the view of the majority of Lord Lothian's Committee, that, at any rate, a beginning should be made in cities with a population of 100,000 or more.

B619. There are 30 of those, I understand, from your memorandum?—Yes, according to the latest census.

B620. Another suggestion you make is that in addition to the property qualification for a vote you think there ought to be a wage-earning qualification?—Yes. We attach very much importance to that.

B621. What sort of wage would you suggest should be the minimum?—We have suggested a wage of about 10 rupees a month.

B622. You suggest that that should be the qualification?—(Mr. N. M. Joshi.) That is in cities.

B623. Is that what you mean? That is failing getting adult suffrage?—(Mr. Shiva Rao.) If adult suffrage is not granted.

B624. You are also in favour of having a provision in the Constitution, for periodical revision of the franchise in the way of extending it?—Yes.

B625. What sort of period would you suggest—every 10 years?—About 10 years. That would be about two elections.

B626. Now about the Chambers themselves. I want to get this quite clear in my mind, because I am not clear at the moment. Let us take, first of all, the Provincial Chambers. As far as the First Chamber is concerned, where there are two Chambers in the Provinces you find it difficult to get representation even there in the ordinary way, do you not, because of the large size of the constituencies?—The size of the constituencies and the cost of fighting elections make it practically impossible for candidates who adopt the labour programme to get into these legislatures.

B627. What do you suggest in the way of altering that for the Provincial Lower Chamber?—That is why we have asked for special representation for labour—for adequate representation.

B628. Through Trades Union constituencies?—Through Trades Union constituencies.

Mr. Cocks.] Now about the Second Chamber in the Provinces—what do you suggest there?

Mr. Foot.

B629. None?—In the first place, we are against the establishment of Second Chambers in the Provinces.

Mr. Cocks.

B630. Yes; I understand that, but assuming the existence of them?—In the three Provinces where they have been proposed at present—

Sir John Wardlaw-Milne.

B631 I think it is stated that they want adequate labour representation?—Through an electoral college of the trades unions in those Provinces.

Mr. Cocks.

B632. That is for the Second Chamber?—Yes.

B633. Now for the Federal Assembly; you want more representation there?—Yes; we have asked for 25 instead of the 10 proposed.

B634. They would be elected by the Trades Unions themselves?—They would be elected by the Trades Unions.

B635. Now with regard to the Second Federal Chamber, you hold the view that at the present moment it is absolutely impossible for a single labour man to be a Member of that?—Yes; that is our view, because we are only very small in numbers in the various Provincial legislatures. The highest is in Bengal—eight—and we fear that those men will not be able to secure the return of even a single candidate from those legislatures to the Federal Upper House.

B636. As Factory Labour Legislation will have to go through that Chamber, you want a voice there?—Absolutely.

B637. What do you propose exactly for that Upper Chamber?—We have suggested that there should be an electoral college or colleges. We have asked for 10 seats in the Federal Upper House.

B638. Thank you very much. You heard what Mr. Chowdhury said about wanting safeguards for labour—special powers—but I understand you are against that?—We are absolutely against it, because we think that far from helping it, it is really a danger to labour. If law and order are transferred—(Mr. Chowdhury.) I never objected that law and order should be transferred. (Mr.

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*Shiva Rao.*) Our difficulty at present is that labour is a reserve subject, and even if the members in the legislatures take up these questions with regard to labour in the Provinces, there is no real pressure put upon the Member in charge of labour, but if there is Provincial autonomy, I think we shall be able to safeguard our interests on the whole better through our own representatives in the legislatures, than through vesting special powers in a Governor, which we feel may be used against us.

B639. I do not understand what is the meaning of paragraph (r), the one about discriminatory legislation. Could you explain that a little. You are referring to paragraph 122 of the White Paper?—Our fear here is this. In the White Paper in small type at the bottom it is said "Without a qualification of this kind, legislation such as, e.g., the Indian Criminal Tribes Act, would be invalidated by the provisions of this paragraph" I can give you one or two instances where members of criminal tribes have been placed under certain disadvantages in strikes.

*Sir John Wardlaw-Milne.*] Are not we really on different things? Is that what the question is about? You are looking at the White Paper.

*Earl of Derby.*] We are talking of paragraph (r) of your memorandum.

*Sir John Wardlaw-Milne.*

B640. This is a question of discriminatory legislation?—Yes. It deals with paragraph 122 of the White Paper and our sub-paragraph (r) deals with the proviso to that. I can give you one or two instances.

*Earl of Derby.*

B641. Give us one instance. I think that will be sufficient?—I spoke of the lock-out in the Madura Mills in 1921. There are about 500 workers belonging to a criminal tribe working in that mill, I know the police put very great pressure upon those 500 workers to go into the mill and resume work, when the rest of the workers were standing out. What we fear is that that pressure will enable the Government of a Province to utilise the provisions of the Indian Criminal Tribes Act to break industrial strikes and lock-outs.

*Mr. Cocks*

B642. You are afraid that it will enable the Government to bring in what

are known in this country as blacklegs?—Yes, and I mention this particularly because at Geneva the representatives of the Government, when they were speaking of the convention of forced labour sought exemption for the India Criminal Tribes Acts of the various Provinces—exemption from the application of the convention of forced labour. (Mr. N. M. Joshi.) As a matter of fact, in several strikes, these people who are under the Criminal Tribes Act are used as black-legs.

B643. They are criminal tribes, are they not? They live by thieving and things of that sort?—I beg your pardon.

B644. The criminal tribes are people who live by thieving and things of that sort. That is their habit?—These criminal tribes are under special legislation. Either they have to report themselves to the police or some of them have to live in a place called Criminal Tribes Settlements, and they have to do whatever work the Government order them to do.

*Sir John Wardlaw-Milne.*

B645. They are in process of being reclaimed?—(Mr. Shiva Rao.) It is wrong to say that all these tribes are criminal in their habits. They provided first-class material for the armies of the India Company in the 18th century. It was with the help of the tribes that are now criminal that they conquered large parts of South India, at any rate.

*Mr. Cocks.*

B646. Some of them are not really criminal in the sense in which the word is usually used?—No; they make excellent soldiers, I think.

B647. I want a little explanation of paragraph 4 (u) about the Railway Board. What is the full implication of that sub-paragraph? You do not want a Railway Board at all?—(Mr. Joshi.) We are suggesting that a Board should be established by the Indian Legislature and not by Parliament.

B648. Not by this Parliament?—No.

*Sir John Wardlaw-Milne.*

B649. This paragraph refers to the fact that Labour interests will be weakened, and will not be benefited by the establishment of a Statutory Board. It does not say "If the Statutory Board is established by an Indian Legislature it will be all right; if it is established by the White Paper it will be all wrong."

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Do I understand you have no objection to the Board, but it is a question of who appoints it. That is the answer you have just given?—If it is to be created it should be by the Indian Legislature, so that we can get the Constitution changed whenever we are strong enough.

B650. Meantime you object to the whole thing?—Yes.

B651. You object to the fact of the Statutory Board being appointed at all?—We first object to that, but if the Board is to be established it should be established by Indian Legislature.

B652. Leave the second part out, that is a minor matter. You are against the establishment of the Board. Why do you tell us a Board, however, established, would not be in the interests of Indian labour? Why should not a Board composed of experts be just as much in favour of Labour as persons who have no knowledge of railways?—It will depend on the creation of the Board. At present we feel if the Board is created under the present constituencies, when the claims of Labour are not sufficiently recognised, that Board is not likely to be favourable to Labour. It is a question of our ability to influence; whether we can influence Indian Legislature better than the British Parliament is a matter of opinion.

Earl of Derby.

B653. I understand your answer is this: You object to the whole proposal, but, at the same time, if there is to be one, you want it to be done by the Indian Legislature so that you feel that on that Legislature you may have more influence to change the provisions in the way you desire?—That is my point.

Sir John Wardlaw-Milne.

B654. My question arising on that is why should it be easier to influence a very large number than it would be to influence a small number? A small number would be a Board, however established. The Board would be a small number compared to the total Legislature?—You mean why should we object to a Board?

Sir John Wardlaw-Milne.] That is what I want to get at. It seems to be all in favour of Labour.

Sir Manubhai N. Mihta.

B655. "It is not right that the Federal Legislature's control over the policy and administration of Railways

should in any way be weakened by the creation of a Statutory Railway Board." Why should it be weakened?—That depends on the constitution of the Railway Board. If we expect a Board where Labour will be sufficiently represented we may not take that view.

Sir John Wardlaw-Milne.

B656. You do not object to the Board, but you are interested in what the composition of the Board will be?—Yes, that is our view.

Lord Rankeillour.

B657. I am not quite clear what is the relation between the two bodies who are represented here?—(Mr. Shiva Rao.) The Unions which are affiliated to the Bengal Trades Union Federation—seven of them are affiliated also to the National Trades Union Federation, but the Bengal Trades Union Federation as such has no connection whatsoever with the National Trades Union Federation.

B658. There is no joint body or Congress which comprises both?—(Mr. Aftab Ali.) The Bengal Federation is particularly an organisation of the affiliated organisations of the Central Organisation (that is to say, the National Trades Union Federation) for Provincial purposes.

B659. There is no Trades Union Congress which comprises both the National Trades Union Federation and the Bengal Trades Union Federation?—In a way both are one. (Mr. Joshi.) The Bengal Trades Union Federation is not really a separate body. It consists of the same Unions which are affiliated to the larger body.

B660. But not all. There are some others besides, I understand?—I do not know of any.

B661. He said seven?—(Mr. Aftab Ali.) We have nine Unions in the Bengal Trades Union Federation, and of these nine Unions seven are here affiliated in our Federation, but two are taken into the Federation subject to their affiliation with the National Federation.

B662. There is overlapping, as it were?—Yes.

B663. Of the National Trades Union Federation what is the total membership of the Unions affiliated to them?—(Mr. Shiva Rao.) We have 78,000—that is the strength of the Unions affiliated to the Indian Trades Union Federation which is now merged in the National Trades



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Union Federation. In addition, the Railwaymen's Federation contains 129,000, and several of the Railway Unions are now coming into the National Trades Union Federation, so at the present moment, our strength would be, say, about 120,000 or 130,000. It is an approximate number.

B664. The National Trades Union Federation represent some 125,000?—Yes, approximately, because new Unions are now coming into this Central organisation.

B665. Can you tell me what is the total number of registered Trade Unionists in India?—I could give you that number, but just at the moment I cannot.

Sir John Wardlaw-Milne.] It is only a small addition to that total, because most of them are in the Federation.

Lord Rankeillour.

B666. I understand you want for your representation the representation confined to registered Trades Unions?—Yes.

Mr. Isaac Foot.

B667. Mr. Joshi, or Mr. Shiva Rao, you have gathered up your general objections to the White Paper, and then you particularise your objections at the end of your Memorandum. You speak about the White Paper proposals being reactionary. May I put this general question: Would you rather have conditions as they are, or the White Paper, if that could be achieved?—(Mr. Joshi.) I am not prepared to give a categorical reply, because it is difficult to-day to give that reply.

B668. It is only upon your own wording. You speak here in the middle of the last paragraph (that is where you gather everything up) of: "The inauguration of a Constitution on the lines of the White Paper will bring no relief to the Indian workers, and they are one with other sections of public opinion in India in condemning the proposals as reactionary." You have got that in your last paragraph. You see there "The inauguration of a Constitution." Will you read those three lines to yourself. The question is simply this, Mr. Joshi: You have been in touch, and no one is better qualified to speak than yourself. You condemn the White Paper proposals. Would you rather not have the White Paper proposals and leave things as they are, if that were the only

choice?—As regards this sentence itself—

B669. I quite understand that you are opposed to the White Paper, that you want very substantial amendments of it? Supposing nothing more than the White Paper could be achieved, would you say you would rather have things as they are?—I will not give a definite reply to that to-day.

B670. I will not press you for a reply if you do not desire to give one. Mr. Joshi, you have been, of course, a colleague of ours in the adjoining room, and you have heard the contention made by Sir Charles Innes and others, that one advantage of a measure of reform would be the releasing of forces now devoted to barren political purposes to economic reform and social uplift. Is that the general contention of your Union? Would you believe that such forces could be released for that purpose by a large measure of self-government?—Yes, if the Legislatures are really representative of various interests, especially of the poorer classes, and, if they feel that the Legislatures will do them some good, I think that will be the result of the new Constitution.

Sir John Wardlaw-Milne.

B671. May I ask this one general question: If your anticipations regarding these alterations in the White Paper are not realised, do you think that there will be co-operation among the labouring classes in India for reforms on the basis of the White Paper, or will there be active opposition?—I prefer not to give a reply to that, because, although we are here to represent our organisation we do not know what view the organisation will take when that situation arises.

B672. You gave a figure of 120,000 to 130,000 as the number probably enrolled in the Trades Unions. I will assume that it may be that, or more?—(Mr. Shiva Rao.) To correct that particular point, I should say: enrolled in Unions affiliated to the National Trades Union Federation.

B673. There are just a few outside—small numbers?—Yes.

Sir John Wardlaw-Milne.] Let us assume 120,000, or 130,000, or 150,000, or 200,000. Can you give us any idea at all how many people are engaged in industry in India? I only want the roughest answer.



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Earl of Derby.

B674. It is given here?—(Mr. Joshi.) That depends on what we call "industry." If it is organised industry—

Sir John Wardlaw-Milne.

B675. I meant organised industry such as your Trades Unions deal with?—(Mr. Shiva Rao.) 4,000,000 to 5,000,000. (Mr. Joshi.) We have given the figures.

B676. 4,000,000 to 5,000,000?—Yes.

B677. Of which your Trades Unions at present represent, whatever it may be, 150,000 to 200,000?—Yes.

B678. It is therefore the case that, speaking for the Trades Unions at the moment, you cannot be said to be speaking at the moment for those engaged in industry in India?—It is really a representation through those who are organised, but we consider that is the fairest representation, because there are no other people who will be able to represent them.

B679. I quite agree that there is nobody else to put their case?—Exactly.

B680. But you still agree with my point?—Yes.

B681. That it is only a very small number who are actually represented?—Yes.

B682. You said in the early part of your evidence that one of the fundamental rights that you wanted was a right to Old Age Pensions, and that kind of thing?—Yes.

B683. Do you know anywhere in the world where there is a fundamental right to an Old Age Pension? Is not that a matter purely of Government action in one country or another, according to the financial conditions of the country?—There are some Constitutions in which the social legislation is put down as a fundamental right—some European Constitutions.

B684. There may be some. I do not know of them. I will be glad if you will tell us?—There are some.

B685. You have suggested that your Trades Unions representatives should be elected by some form of electoral College in the same way as the Chambers of Commerce?—Yes, that is for the Central Legislature.

B686. You realise that in the case of the Chambers of Commerce of India the electorate is a very small one?—Yes, their electorate is a small one.

B687. Generally speaking, it would be true to say that it is an educated electorate?—Yes.

B688. By that I mean that the members then asked to vote would have a knowledge of the people they are asked to vote for, and their qualifications, and so on?—Yes.

B689. It is surely not the case that you can compare such an electorate with the electorate you could get through a Trades Union as at present constituted?—I think our members will know our representatives. If it is a question of mere knowing, they will know who can speak for them, and who will defend their interests.

B690. You think they can act in the same way?—I think in this matter they can.

B691. You think they could be trusted to represent the 4,000,000 who are not in the Trades Unions?—I think they could be trusted and should be trusted. (Mr. Shiva Rao.) If the suggestion be that the members of the Executives of Trade Unions, because some of them are illiterate, therefore they are incapable of taking wise decisions, may I say, with all respect, it is a very mistaken point of view.

B692. Let me make it quite clear. I have never made any such suggestion. I have merely asked whether they would represent them. I have not made any such suggestion. You are asking for Trade Union Constituencies?—Yes.

B693. That is constituencies which will elect representatives who are Trade Unionists?—Registered Trade Unionists.

B694. Do you know any country in the world where Trade Unionists have a right to be elected because they are Trade Unionists?—I do not know that Chambers of Commerce have. We are dealing with very special conditions in India and we are asking for the same right that has been given to commercial and landlords' organisations.

B695. You know of no other case; but in India the circumstances are exceptional?—Yes. (Mr. Joshi.) And the Royal Commission and the Indian Labour Committee have recommended it.

B696. You refer to the disadvantageous effects of tariff measures in India. Is it not the case that one of the greatest causes of the poverty, or so-called poverty, of India is due to the fact that the agriculturist, owing to the subdivision of land and increase of population, has only work for about 150 days in the year? You know that?—(Mr. Chowdhury.) Yes.

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B697. Therefore, is it not desirable to some extent, and if tariffs result in an increase in the industrial life of India, is it not a good thing, if that results, that it should provide employment for the people?—If it is not a discriminatory

tariff it benefits one class as against another.

B698. It is not tariffs you object to: It is the kind of tariffs?—Yes.

Earl of Derby ] Mr. Chowdhury, we can now release you.

(Mr. Chowdhury is directed to withdraw.)

Witness (Mr. Joshi.) May I make a short statement?

Earl of Derby.

B699. I was about to ask you if you wished to do so?—As regards the two representations, I would like the Sub-Committee to note, in the first place, this fact, that seven out of the nine Unions which the Bengal Federation has got are affiliated to the Central body. That is one fact. The second fact I would like the Committee to note is this, that I myself was present when the meeting was held to discuss this question at Calcutta. In the meeting at Calcutta the majority of the members present were from Bengal and belonged to the Bengal Trades Union Federation. If they had to say anything different from us the whole document which is before us, namely, Memorandum 54, would have been according to their view, but this document—the resolutions—was approved by the whole body that was present, without any objection by anybody. We therefore hold that even the Bengal Trades Union Federation approves of the document which we have presented and for which we stand. As regards the particular point raised by Mr. Chowdhury, namely, the special powers given to the Governor to protect Labour interests, I have made it quite clear that we do not agree with that view because we feel that the special power of the Governor is more likely to be used against us than in our favour. Secondly, I think there is some reference in his Memorandum to Special Labour Constituencies. We have also explained that as regards that, our view is that, so far as possible, we would prefer a representation of Labour through Trade Unions rather than through Special Constituencies. We consider there is a disadvantage to labour through Special Constituencies because our candidates will not have sufficient money to fight elections in large constituencies. That will be our real disadvantage. Therefore, we would prefer, so far as possible, all the representation to be given to Labour to

be given through Trade Unions. That is all that I have to say.

B700. Would you like to add anything, Mr. Shiva Rao?—(Mr. Shiva Rao.) I would like to make one point only in addition to what Mr. Joshi has said. From the questions asked it seems that some Members of the Committee have the impression (and I think that is supported to a certain extent by the Memorandum Mr. Chowdhury put forward) that in recent years in India strikes have been engineered for political purposes and that Unions are under the control of politicians. I would like to say this, that, while it is undoubtedly true that when Mr. Gandhi started the first Non-Co-operation Movement in 1920 or 1921, a few strikes of that character did take place. It is equally true that during the last three years, when the Civil Disobedience Movement has been very strong, the Congressmen have kept absolutely aloof from Trade Unions.

Mr. A. H. Ghuznavi.

B701. Not in Bengal?—It may not be so in Bengal, but I am talking of some big strikes which have taken place in India during the last three years while the Civil Disobedience Movement has been going on: a railway strike, the strikes in South India in the textile mills: every one of those strikes has taken place absolutely on economic grounds.

B702. What about Bombay?—There it was wage cuts and retrenchment in the railways. Congressmen have said to me in private, "We keep aloof from the Unions because we do not want your Unions to come under the Ordinances." I would make this point quite clear, because there may be an impression in the minds of some people that the Unions are likely to be captured by politicians. We Unions are strong, we are able to hold our own even against Congressmen. In a Municipal Election in Madras Congress decided to put up a candidate against ours, and we won the election by 320 to 200 votes. It was a municipal election. (Mr. Aftab Ali.) I wish to say

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that the Memorandum submitted by Mr. Chowdhury has been printed in London. If the Bengal Trades Union Federation officially prepared a Memorandum I think it would have been better advised to have printed it in Calcutta, and they could have sent it here.

Earl of *Derby*.

B703. I think you have made your point quite clear?—(Mr. *Shiva Rao*.) We sent copies of this Memorandum to all our affiliated Unions in India just before I left. (Mr. *Aftab Ali*.) My next point is this: I do not say that we did not appoint Mr. Chowdhury as our representative, but, at the same time, when we left, there was no certainty whether he would be called as a witness or not, and our Memorandum was prepared by the Federation and this other Memorandum of his I want the Committee to treat as a personal one and not as the

Memorandum of the Bengal Trades Union Federation. The next thing is the special powers for the Governor for which he has asked in the name of the Federation. This I consider will be a very great danger because, whatever powers the Governor has now, at least so far as I am concerned, always go against the workers. There has been talk of disorder, of strikes and all these things. So far as I know, especially in Bengal, whenever we have had a strike it has always been the Police who created the disorder, not the people who took part in the strike. Mr. Chowdhury feared that the Trades Unions would be captured by the politicians. If the Trades Unions could be captured, I, a seaman signing for 18 rupees a month in 1922, would not be going to Geneva as a delegate and also coming before this Committee to-day.

Earl of *Derby*.] We are very much obliged to you gentlemen?

(*The Witnesses are directed to withdraw.*)

## SUB-COMMITTEE C.

DIE MERCURII, 26<sup>o</sup> JULII, 1933

Present:

Marquess of Lothian.  
Mr. Butler.  
Major The Hon. E. Cadogan.  
Mr. Cocks.

Mr. Davidson.  
Mr. Foot.  
Sir Samuel Hoare.  
Miss Pickford.

DELEGATES:

Dr. Ambedkar.  
Begum Shah Nawaz.

Sir Hari Singh Gour.

The MARQUESS of LOTHIAN in the Chair.

Lady LAYTON, Mrs. O. STRACHEY and Sir PHILIP HARTOG, are called in and examined as follows:

Marquess of Lothian.

Q1. Lady Layton, are you acting as spokesman of the Delegation?—(Lady Layton) Yes.

Q2. You represent the list of Associa-

tions and Societies mentioned in the Memorandum?—Yes.

Q3. And certain other individuals?—Yes. The Memorandum is as follows:

### MEMORANDUM 50. EVIDENCE ON BEHALF OF THE BRITISH COMMITTEE FOR INDIAN WOMEN'S FRANCHISE.

#### COMPOSITION OF COMMITTEE.

1. The British Committee for Indian Women's Franchise represents over two million women voters of this country, belonging to associations with widely differing aims, and including members of all political parties. Besides associations a number of Members of Parliament, both men and women, and others specially interested in the subject have joined the Committee.

*We are united in our desire to register in the strongest terms our protest against the inadequacy of the proposals of the White Paper in regard to women's franchise, and to urge the Joint Select Committee to make recommendations which will secure a ratio of women to men voters, both for the Federal and Provincial Legislatures, at least equal to the ratio of one woman to four and a-half men proposed by the Indian Franchise Committee.*

#### REASONS FOR THE BRITISH COMMITTEE'S SUPPORT OF THE CLAIMS OF INDIAN WOMEN TO AN ADEQUATE FRANCHISE.

2. The reasons why our Committee feel impelled to take action in this matter can be very briefly stated.

(a) The problem of making a new Constitution for India is one which affects Britain as well as India. The

provisions of that new Constitution will have to be approved by Parliament, and the responsibility for those provisions must rest ultimately on the electors, both men and women.

(b) Our Committee feel a deep concern and responsibility in regard to the provisions specifically affecting women. This is the only occasion on which organised British women as fully enfranchised citizens have had the opportunity of effectively influencing the destinies of the women of India.

(c) The Women's Movement has always been international in its outlook, bringing together women of all countries working with similar aims and ideals, and thus fostering a feeling of solidarity among women. But between the women of Britain and the women of India the bond is particularly close. It is a bond, not only of association under a common flag for 150 years, but a bond strengthened by the ties of love and friendship in common social and educational work. British women have watched with sympathy and admiration the rapid progress of the Women's Movement in India, and are anxious to place at the service of the women of India all the help that they can give from their own wider political experience.

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[Continued.]

(d) The disabilities, legal and social, from which the women of India still suffer, their lack of educational opportunities, and the fact that for 150 years the government of India has been almost entirely in men's hands, make it imperative that women should be given adequate opportunity and power to express their views in the new Constitution.

(e) It is the declared policy of Government to see that the interests of all sections of India's population are fairly represented, and our Committee wish to emphasise the fact that for no section of the community is this more necessary than for the women of India.

#### *British Women and the Franchise.*

3. Not many years have passed since the women of Great Britain achieved full rights of citizenship. Every step thus won—opportunities of education, the entry into learned professions, rights affecting the status of wives and mothers, political rights—was won after a long and arduous struggle, to which the entire working lives of innumerable women were devoted and on which vast sums of money were expended. Especially during the closing years of the struggle, much bitterness was engendered and many unhappy incidents took place. It would be a grave misfortune if in India, where the work of women in many fields of social and educational effort is so sorely needed, a similar struggle became necessary.

4. Members of our Committee realise how much the vote has meant to the women of this country. It has served both as a means of self-protection and as an opportunity for bringing their influence to bear for the benefit of the whole community, especially in the realm of social welfare. With regard to their own protection, for instance, it is noteworthy, that during the first eighteen years of this century, only four Acts were passed relating specially to the position of women, whereas, during the nine years after their partial enfranchisement, some 20 Acts were passed dealing with questions such as the removal of sex disabilities, the admission of women to Parliament, to the Bench and to the legal profession, etc., to the rights of guardianship over children, to the position of unmarried mothers, to widows' and orphans' pensions, and so on. On questions affect-

ing the whole community, the influence of women voters has been most noticeable in the increasing support given to causes such as disarmament, housing and education.

#### *Indian Women and the Franchise.*

5. It may be argued that advances for British women were spread over a long period and that the small measure of franchise proposed by the White Paper is a fair instalment considering the present status of women in India. It has always been brought up as an argument against the extension of the franchise to any new category of voters in this country, and no doubt in others, that they are not sufficiently educated, politically or otherwise. This argument does not take into account the great strides which the women's movement in India has made during the last few years, stimulated very largely by the political desire for national self-government. A generous measure of enfranchisement is the surest way of directing these energies along constitutional lines. Experience has shown that the most thorough and effective method of providing political education is to give the actual responsibility of the vote. Further, those members of our Committee who have worked in India wish to endorse the statement of the Education Committee of the Statutory Commission, that "The innate intelligence of the Indian woman, her feeling of domestic responsibility, her experience of household management, make her shrewd, penetrating, wise within her own sphere. In all matters of educational and social reform, the counsel and the active work of women are essential both in administration and public affairs."

6. The grave legal and social disabilities which Indian women have for years been attempting to remove affect the efficiency of the whole nation. Girls' education still lags far behind the boys', the evil of child marriage is still rampant, maternal mortality is terribly high, the provision of medical aid for women totally inadequate, the laws of inheritance inequitable. At present the sum spent on girls' education in British India is about one-seventh of that spent on the education of boys. Although there are some 250,000 women factory workers, there is still only one woman Factory Inspector. As testified by the unanimous opinion of medical women in India, very little progress can be made in providing adequate

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medical aid for women unless and until women administrative medical officers are appointed in each province.

On such grounds it is essential that women should be placed in a position to secure attention to their needs from the very foundation of the new Constitution and during its most important formative years. The framing of a new Constitution presents a unique opportunity which will have passed, once the constitutional structure has taken definite shape and hardened along definite lines. Fresh vested interests will grow up, and it may be increasingly difficult for women to obtain a fair share of educational funds and a portion of administrative posts if these are not obtained at the outset.

#### CRITICISM OF THE FRANCHISE PROPOSALS OF THE WHITE PAPER. ALTERNATIVE SUGGESTIONS.

7. The proposals of the White Paper actually reduce the voting strength for women suggested by the Indian Franchise Committee to a nominal ratio of one woman to seven men for the Provincial, and one woman to 20 men for the Federal Legislatures. Can it possibly be claimed that such a franchise will give women an effective voice?

#### *The Literacy Qualification.*

8. The reduction in numbers of the women's vote in the White Paper proposals as compared with those of the Indian Franchise Committee is due to the dropping of the proposed test of simple literacy as a qualification for women voters. This test would have, for women, the very great advantages that it would increase their voting strength as time goes on without further legislation, that it would apply alike to the unmarried, the married and the widowed, to those who have received their education at home as well as those who have been to school, and that it would serve as a stimulus to education, both that of girls and that of adult women. It has the unanimous support of women, both in England and in India. According to the proposals of the White Paper, only in the province of Madras is it retained. In four provinces the educational standard now demanded is no less than matriculation or school-leaving certificate, a standard which very many educated women have had no chance of attaining, for lack of suitable schools or because they were in purdah. *We members of the British Committee for Indian*

*Women's Franchise, desire to protest most strongly against this modification of the Franchise Committee's proposal, and urge the Joint Select Committee to accept simple literacy as a qualification for the franchise for women in all provinces.* If the obstacles alleged against it are administrative, and these can be overcome in Madras, it is difficult to believe that they are insuperable in other provinces. Evidently they were not so considered at the time when the Franchise Committee undertook its detailed investigations in India only a year ago and made its recommendations.

#### *Application for the Vote.*

9. A second, hardly less important, whittling down of the Franchise Committee's proposals in the White Paper is the provision that a woman qualified to vote in respect of her husband's property must apply to be put on the register, though her husband is not required to do so.

This proviso seems to the Committee not only an unfair discrimination between men and women, but one calculated to reduce the estimated voting ratio of one woman to seven men to something very far below that estimate. Even in this country it would be found very irksome, but for Indian women there is in most places so much less freedom of movement than for Englishwomen that such a provision, in the opinion of many well qualified to judge, could not fail to result in a very substantial reduction of the potential voters.

We note with satisfaction that the White Paper itself states in this connection—"His Majesty's Government are very anxious that the proportion of women electors should be adequate, and further consideration of the above arrangements may be necessary." Our Committee, therefore, urge most strongly, that this new discrimination between men and women should not be imposed.

If, however, the Joint Select Committee should unfortunately come to the conclusion that the condition of application is unavoidable, then it will be most necessary that the numbers thus lost should be made up by one of the alternative qualifications suggested in the Memorandum submitted by Miss Rathbone (para. 16), or in some other way.

#### *Franchise for the Federal Legislature.*

10. For the Federal Legislature, in order to secure an adequate proportion of

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[Continued.]

women electors, the Indian Franchise Committee made two proposals, viz.: (1) that for the first election the names of all women entered on the provincial rolls under the literacy qualification should be included as voters and subsequently retained on the roll and (2) that the educational qualification for women after the first election should be by the Upper Primary Standard.

Both these proposals are dropped in the White Paper, which lays down no special qualifications for women.

Yet it was expressly stated by the Prime Minister in his letter of instructions to the Indian Franchise Committee that:

*"His Majesty's Government attach special importance to the question of securing a more adequate enfranchisement of women than the existing system, which applies to women the same qualifications as to men, and has produced a women's electorate numbering less than one-twentieth of the total male electorate."*

And the White Paper itself again states that:

*"His Majesty's Government fully appreciate the importance of a large women's electorate for the Federal Assembly."*

In spite of these pronouncements, the ratio of women to men is left at its present low and totally inadequate figure. The reasons given in the White Paper are administrative difficulties and objections to a differential franchise based on education. Our Committee cannot feel that these difficulties are insurmountable (cf. Memorandum by Miss Rathbone, para. 7).

If, as we hope, the qualification of simply literacy is accepted for the Provinces, then the roll so prepared should be used also for the first election for the Federal Legislature, as recommended by the Franchise Committee.

Alternatively, our Committee supports the suggestions made in several Memoranda,\* that an addition to the women's

electorate may conveniently be made by adding the wives of the men property voters for the Centre, whose names will be readily available from the rolls of the voters for the provincial councils.

#### *Franchise on Husband's Property Qualification.*

11. Lastly, the British Committee for Indian Women's Franchise are aware that there is a strong feeling among many, though not all, of the organised women in India against the proposed enfranchisement of women on the property qualification of their husbands. We should like to point out that these Indian women's associations took their stand from the beginning on adult suffrage, because they believed it to be the only means of giving representation to all interests, including equal voting strength to men and women. We understand that they have now put forward as an alternative adult suffrage in urban areas only.

Our Committee fully realise the importance of meeting the desires of Indian women, but in case the Joint Select Committee should consider it impossible to grant their demand in this respect, we wish to register our carefully considered view that the granting of special qualifications to women, such as the Married Women's qualification, would represent a far nearer approach to real equality than the granting of a paper equality which would in fact enfranchise only a minute proportion of women.

Members of our Committee desire to record their own experience of the vote given on the husband's property qualification. This was in use in this country from 1918 to 1928 to supplement the independent property qualification. Although there was at first some hesitation in accepting this qualification, it worked quite satisfactorily and caused no resentment in practice in spite of the large number of professional and industrial unmarried women in England who were excluded at the time from exercising the vote. It raised the status of all women by giving them an effective voice in the government of the country, and that of married women in particular by showing that the State valued their experience as mothers and home-makers. It was also found that men who had had misgivings as to the wisdom of granting the suffrage to women were reassured by a conviction that the mothers

\* In the Memoranda submitted by (1) Mrs. Subba Rao on behalf of Women Members of Local Bodies in the Madras Presidency; (2) Mrs. P. K. Sen on behalf of Calcutta Mahili Samiti, Bengal; (3) Mrs. Hensman on behalf of 450 women from India; (4) Mrs. P. Subbarayan; (5) Miss Eleanor Rathbone.



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of families were likely to prove a stabilising element in the community and to exercise their vote with a due sense of responsibility.

Apart from adult suffrage, the wife's vote is the only qualification suggested in the White Paper, which enfranchises immediately any large number of women. Should it be dropped and no other qualification substituted in its place, the women's vote would fall to about 2 millions for the whole of British India, making it entirely negligible in any single constituency and for any single candidate.

#### OTHER PROPOSALS SUPPORTED BY THE BRITISH COMMITTEE.

##### *Upper Chamber.*

12. No mention is made in the White Paper of any provision as regards women in the Upper Chamber of the Federal Legislature. Our Committee urge that provision should be made to secure the inclusion of a certain number of women in that Chamber and that the qualifications required of members should be adjusted so as to facilitate this.

##### *Fundamental Rights.*

13. We note from the White Paper (page 37) that His Majesty's Government proposes to provide for what are commonly called "fundamental rights" in two ways, namely, by including certain provisions in the Constitution Act and by recommending others not suitable for statutory enactment for inclusion in a pronouncement by the Sovereign. Our Committee urge that in both classes of provision, the case of women be taken specifically into account. In matters especially of "personal liberty and eligibility for public office," it is desirable to guard against discrimination on the ground of sex no less than of caste or religion. The Report of the Minorities Sub-Committee of the Round Table Conference, 12th November, 1930, to 19th January, 1931, states that:

*"One of the chief proposals brought before the Sub-Committee, was the inclusion in the Constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civil rights."* (Page 46.) In Great Britain, the Sex Disqualification (Removal) Act

(1919) provides a precedent for dealing with a number of disabilities based on sex in a single comprehensive Act. The experience of that Act also, however, warns our Committee of the necessity for very careful drafting, if comprehensive declarations of this kind are to be really effective in achieving their purpose.

#### SUMMARY AND CONCLUSION.

14. The British Committee for Indian Women's Franchise urge the Joint Select Committee:

(1) *To accept simple literacy as a qualification for the franchise for women in all Provinces:*

(2) *Not to impose the condition of application for women voters qualified in respect of their husband's property qualification:*

(3) *In the event of the condition of application being considered unavoidable, to replace the number of voters thus lost by some alternative qualification:*

(4) *To increase the ratio of women voters for the Federal Legislature by reverting to the proposals of the Indian Franchise Committee or by adding the wife voters from the Provincial rolls.*

(5) *To make provisions for the inclusion of women in the Upper Chamber of the Federal Legislature:*

(6) *To include women in any declaration of "fundamental rights."*

In conclusion, the members of this Committee desire once more to urge that, on whatever qualifications the franchise is finally based, the women's voting strength should be made up at the very least to the ratio of one woman to 4½ men, both for the Federal and Provincial Legislatures.

The Simon Commission, the Round Table Conference, the Indian Franchise Committee, and His Majesty's Government itself have repeatedly acknowledged the importance of securing an adequate voting ratio for women. If the Joint Select Committee sincerely desire to satisfy the legitimate expectations aroused among the women of India and of Great Britain by these repeated declarations, we feel confident that means of surmounting the administrative difficulties can and will be found.

The Association of Assistant Mistresses.  
The Association of Women Clerks and Secretaries.

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The British Federation of University Women.

The Head Mistresses' Association.

The London and National Society for Women's Service.

The National Council for Equal Citizenship.

The National Council of Women.

The Standing Joint Committee of Industrial Women's Organisations.

The Women's Co-operative Guild.

The Women's National Liberal Federation.

The Young Women's Christian Association.

The National Women's Citizens Association.

The Countess of Iveagh, C.B.E., M.P.

The Viscountess Astor, M.P.

Mr. S. V. T. Adams, M.P.

Dr. Margaret Balfour, late Chief Medical Officer, Women's Medical Service, India.

Miss Caton.

Miss Thelma Cazalet, M.P.

Captain V. A. Cazalet, M.C., M.P.

Lady Chatterjee.

Mrs. Coatman.

Mrs. Copeland, M.P.

Mrs. Corbett Ashby.

Miss F. M. Graves, M.P.

Sir Philip Hartog, K.B.E., C.I.E.

Lady Hartog.

Miss Florence Horsbrugh, M.P.

Mr. J. Campbell Ker, C.S.I., C.I.E., M.P.

Mr. Hamilton Kerr, M.P.

Mrs. Lankester.

Lady Layton.

Miss Megan Lloyd George, M.P.

Mr. Geoffrey Le M. Mander, M.P.

Major J. Milner, M.C., T.D., LL.B., M.P.

Mr. A. H. F. Molson, M.P.

Mr. W. Nunn, M.P.

Miss Eleanor Rathbone, M.P.

Lady Reed.

Dr. Agnes Scott, late Chief Medical Officer, Women's Medical Service, India.

Mrs. Shaw, M.B.E., M.P.

Sir Walter Smiles, M.P.

Mrs. Tate, M.P.

Miss Irene Ward, C.B.E., M.P.

Col. Rt. Hon. J. C. Wedgwood, D.S.O., M.P.

Franchise for Indian women? It has no other purpose?—That is quite correct.

C5. And you claim to represent some 2,000,000 voters, which, I suppose, means the Members of these other Associations?—That is so.

C6. Should I be correct in interpreting your Memorandum to mean that the primary consideration you have in mind is that the ratio of women to men voters should be at least equal to one woman to 4½ men, rather than any specific detail?—Yes, that is so.

C7. I do not know whether you have had an opportunity of reading the evidence which has been published in the last few days in regard to the Women's question?—Yes, I have followed it very closely.

C8. Do you want to add anything to your Memorandum in the light of that evidence?—I should like to be able to do so.

C9. Will you make a statement now, then?—I should like to recall, first of all, that the Organisations I represent do really cover practically all the organised women in this country of all Parties, and doing every kind of work, and that we have set out in our Memorandum submitted to the Committee what they consider to be the minimum conditions that will ensure a reasonable enfranchisement of women under the new Indian Constitution. These proposals are far more modest than the claims of some of the Indian Women's Organisations; but though we are fully at one with the Indian Women as to the immense importance, from a social, economic and political point of view, of giving as great a measure of political power as possible to Indian women, we recognise the practical difficulties expounded in the Lothian Report, and we realise that the full enfranchisement of women means a revolution in India, and that it can only be accomplished by stages. The Women's Organisations have, however, been profoundly disappointed to see that the White Paper has still further whittled down the Lothian Report, and in particular we regret that the Secretary of State in his evidence has defended the proposition that wives of present property voters to the Provincial Councils should only be enfranchised on application instead of being put on automatically. This will so reduce the number of women on the electorate as to make it utterly inadequate. If I have followed the Secretary of State's evidence

C4. Would I be correct in saying that this is a Committee specially constituted for dealing with the problem of the

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correctly, the main reasons for this are administrative difficulties; first, the administrative difficulty of enrolling wives; and, secondly, the administrative difficulty of providing polling accommodation for so large a number of women at the first elections. As regards this first administrative difficulty, we suggest this could be overcome by enrolling the wife merely as the wife of "Mr So-and-So," and making the husband responsible for her identification in the polling booth at the first election, instead of attempting to get the actual names of the wives from each individual voter. I understand that a canvass of these voters is, anyhow, made at regular intervals for Revenue registers. It would surely not add very considerably to the administrative burdens if, at the same time, a note was taken as to which property voters had a wife or wives living. As regards the second point, the White Paper suggests that its proposals will enfranchise for the Provincial Councils one woman for every seven men as compared with one woman for five men in the Franchise Committee's proposals, but the Secretary of State admitted, if I interpreted his evidence correctly, that if three million out of the 4,000,000 wives do apply, which is what is assumed in making up this proportion of one in seven, the administrative advantages in this respect would not be worth the differential treatment of the women, but, obviously, expected that the application would be some figure far less than this, which would mean that we should in the end get a proportion of women to men enfranchised of something like one in 16, or even something as low as one in 20. It would only be in this way that you would get this second relief, a relief which I venture to say cannot be obtained if the White Paper's original proportion of one in seven actually takes place. This only corroborates what we have said in our Memorandum, that application by the wives and dropping the literacy qualification will really enfranchise only about one woman to about 16 or 20 men—not one woman to every seven men. In this country when the registers were left to the Party machines to bring up-to-date, we all know how very few individual men and women took the initiative, in advance of the excitement of an election, to get themselves enrolled. How much more must this be so for both men and

women in India? Yet we ask the women, thousands of whom are in purdah, and miles from any polling station, with few postal or transport facilities, many of them unable to read, to take this very difficult step. Is it not a wholly unreasonable demand? In any case, the number who will vote at the first election will be much smaller than at subsequent elections for all these and other reasons. When it is more fully realised that issues of burning interest to the women are under discussion, and they realise the power of the vote, this will change. We should like further to suggest that, as with us, the women who apply will do so mostly at the instigation of the most strongly organised political party; in India this undoubtedly is the Congress party. Would it not be wiser to encourage the political consciousness of the more moderate elements in the community, by not increasing the difficulties under which they must in any case labour? We would like to remind the Secretary of State and the Committee of the increasing part that the women have taken in the recent political movements, and the importance of winning their support in the building up of the new Constitution. We are quite certain that if the proposals in the White Paper are not improved in this respect, there will be such strong feeling among all the organised Indian women in India that they will undoubtedly stir up difficulties which will create quite as great administrative difficulties as the proposals attempt to meet. We feel it would be so much wiser to enlist their support by treating them fairly and justly at the outset than to create unrest among all the Indian women who have so strongly supported in the past all attempts to improve the health and social welfare of the people. It would be so much better to enlist their support at the outset than to drive them to desperate action because they have been unfairly treated. Furthermore, I want to make it quite clear that the organised women of this country, of all political parties and employed in every walk of life, are not prepared to accept the administrative difficulties laid before us by the Secretary of State as a sufficient reason to hand over to the male voters of India the problems of Child Marriages, Child Welfare, Guardianship of Infants, the relations of husband and wife, the laws relating to property, the whole gamut of

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problems whose solution or neglect will do more than anything else to decide if India is to be a peaceful, happy, healthy and economically sound nation. A Federal Assembly in which women's voting strength is one in 20, so low as to be of no practical value, and in the Provincial Assembly one in 16, is totally inadequate. We urge you to accept, remembering that the Simon Commission after full investigation proposed a proportion of one to two, while the last Round Table Conference took the proportion of one in five as an unalterable basis on which to build—

Mr. Isaac Foot.

C10. A minimum basis?—Yes. I am obliged for the correction. —and throw upon the Provincial Governments during the next three months the responsibility of finding the most administratively possible way of bringing this about. In reply to the defence of the Government against granting a specially reduced literacy qualification to women, we suggest that the very inferior educational opportunities given to women entirely justify the difference. Sir Philip Hartog will give evidence on this point. As to the administrative difficulties, I should just like to make one point. We note that in the White Paper the differential qualifications to be prescribed for the scheduled classes are still under consideration. If the literacy qualification suggested for this purpose by the Franchise Committee is likely to be applied there, could not similar methods for its application be equally well arranged for the women? This has been the only method proposed so far for increasing at the first election the proportion of women voting for the Federal Assembly. We notice also that you consider it necessary to insert in the Constitution a definite period during which no change can take place in the Franchise at all, and later say that the Federal Legislature will, presumably, settle further advances for the Federation, and the Provincial Legislatures for the Provinces. This means that this is the last chance for the British Parliament and public to influence the matter at all, and give the women of India, who are anyhow in a minority in the community, the power to get rid of the grave injustices under which they suffer, to-day, to an extent probably greater than in any other country in the world. We will not dwell on these

in detail; Miss Rathbone has done that adequately in her memorandum, which we strongly endorse, but in a country which has more than 5,000,000 wives under the age of 15 and more than 100,000 child-widows under the age of 10, and a maternal mortality estimated in some districts to be 40 per 1,000, and even in the most healthy districts 20 to 30 per 1,000, this, surely, should give us pause before we hand over the power over these women without adequate representation for them to stand up for their own rights and improve their conditions. For the last 150 years individual English women have done heroic service for women in India, but until the last decade it could be truly said that the men of this country had the determining voice in regard to the status of women in India, so far as it could be affected by the Governing administration. Also, since the Montagu Reforms, women, though enfranchised on technically equal terms, have only had a voting strength of 1 in 20, and the tendency of the new Indian administration, so far as Indians have had control in the Provinces, has been still further to increase the discrepancy between girls' and boys' education and to do very little to improve the medical treatment of the women in the villages. Since the enfranchisement of women in this country, we feel that we share the responsibility, and that we should be betraying the interests of Indian women if we acquiesced in Parliament setting up a Constitution under which their representation is extremely small, and the prospects of its extension extremely remote. For that reason, we take a very strong stand that we shall not be prepared to accept anything which gives a proportion of women to men in the new Constitution of less than 1 in 5. I should like to make one or two remarks which we have not made in our Memorandum with regard to the Federal Assembly and the Council of State, if that is in order now. We deprecate very strongly the election of women to the Federal Assembly only by the transferable vote of the Provincial Councils. We feel that it is most important that the nine women in the Federal Assembly should really be free to speak on behalf of the women of the whole country, and that if they are elected by the transferable vote of the Provincial Councils, by the communal conditions of those Councils they will inevitably be communal women, instead of being free and specially chosen because

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of their capacity to understand and speak for the needs of the women throughout the country. Alternative methods of election have been put forward in Miss Rathbone's Memorandum. We only want to emphasise here our reasons for this objection. The organised women in India and the women who have taken an active part in bringing about the Sarda Act and in pressing for improvement in the condition of education and health, are most anxious to be sure that they will be actually in the Federal Assembly, and we very much fear that the methods proposed may not have that result, but that you will have women who will vote as they are told rather than women who will be independent spokesmen. With regard to the Council of State, we should very much like to know and we wish to urge that women should be eligible; we are not clear whether they are so at present, and we wish to secure that the conditions of election should be such as to make the eligibility of a considerable number of women possible; and, thirdly, we make the suggestion that, if Indian Christians, Anglo-Indians and Europeans can have 10 seats reserved for them to be chosen by electoral colleges among all the representatives of those communities in the different Councils, it might be practicable for the women members of the Provincial Councils also to form an electoral college and elect one or two members. I have no other particular remarks to make supplementing the evidence. Sir Philip Hartog wishes to speak on the literacy qualification, and the practicability of that, and Mrs. Strachey will speak on the reasons why the English Women's Organisations are so determined, through the practical experience of what we have achieved through our enfranchisement, to see that the Indian women have the same opportunity that we have. (Sir Philip Hartog.) May I explain, first of all, why I appear in this position. I have never been a politician; but I have been driven into fervent advocacy of Women's Franchise in India, because of my investigations as Chairman of the Education Committee of the Simon Commission. I discovered at the very outset that the most important, and the most neglected factor in Indian education was the education of the girls. You will understand in a moment why I say that. In India as a whole, according to the latest census figures, 18½ per cent. of

the men of 20 years of age and over are literate, 2.9 or 3 per cent. of the women. In the schools you find about one-eighth of the total amount spent on education spent on the girls who form half the population. You find a tragic wastage in the schools. I suppose about 60 per cent. of the money spent on primary education of all the children, and about 90 per cent. of the money spent on the primary education of the girls, is wasted because it needs four years under present conditions in India, with the large mass of illiterate mothers, to produce literacy, and only a fraction of the children stay for more than one year in the schools. I would like to correct my figure later if necessary. I think it is only about one-tenth of the girls who reach Standard IV. I put down that tragic neglect of girls' education and the education of the mothers to the Indian public, to the Indian politicians, and to the administrators of India, Indian and European alike. The policy that I found almost everywhere (I do not say there were no exceptions) was a policy of spending all that you reasonably can on the boys, and, if there is something over, spend it on the girls. The years 1917 to 1927 include the period of the introduction of the reforms. The increase in the direct expenditure on boys' education was, roughly speaking, six and a-half times that on the girls', 832 lakhs for the boys and 127 lakhs for the girls, so that instead of trying to diminish the difference between boys' and girls' education the difference has been increased, and the latest census figures show naturally that the difference in literacy has been increased. It is quite obvious that a fundamental change is essential. I do not think you will get that change until the women play a greater part in Indian politics than they have played up to the present. That is the expressed view of the Simon Commission, and it is the view of the Lothian Committee; it is the expressed view of His Majesty's Government, though I see nothing in the White Paper to translate that view into facts. At the bottom of these objections to using literacy as a qualification, what have we? We have the phrase "Administrative difficulties; administrative impossibilities." To anyone who has worked in India that phrase is only too familiar. I suppose that I was met by such phrases every week, certainly every month, during the five years during

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which I was Vice-Chancellor of the University of Dacca, and it was part of my work to show that what I was told was administratively impossible was, in fact, possible, and of course it is not only in India that one has that kind of experience. Looking round this table I suppose there is hardly one of you ladies and gentlemen who has not done things which you were told were administratively impossible. So I am not at all alarmed by that phrase. I am only alarmed by the state of mind which it indicates. It corresponds exactly to the state of mind of the Governments who reported on the Simon Report, and I would urge this Committee very strongly to ask for those Provincial Reports in which it is stated that the application of the literacy test, which is recognised as possible in Madras, is impossible elsewhere.

Major *Cadogan*.

C11. Would you repeat that?—I should like to ask that the Committee should ask for the Provincial Reports which attempt to show that what is possible in Madras in respect of literacy is impossible in Bengal. Have they been circulated?

Mr. *Isaac Foot*.

C12. The Reports which Sir Philip refers to are the reports which are already available—the comments of the Governments?—They have not been published.

Mr. *Butler*.] Command Paper 3700.Marquess of *Lothian*.

C13. What report are you referring to? Are you referring to documents to the Simon Commission or to the Franchise Committee?—No, the provincial report to which the Secretary of State referred in his evidence. Are those available?

Mr. *Butler*.

C14. Those were not the reports to the Simon Commission?—No the reports on which the White Paper was based.

Mr. *Isaac Foot*.] Does Sir Philip refer to the Secretary of State's statement as to the administrative difficulties in making inquiries about wives of electors.

Mr. *Butler*.] The despatches to which I think Sir Philip refers are the confidential comments to the Government on the Lothian scheme which were sent by the Provincial Governments.

Begum *Shah Nawaz*.

C15. As well as the Government of India?—That is to say, they have been treated as confidential.

Mr. *Butler*.

C16. They are in the normal course of administrative procedure regarded like so many other documents as confidential?—I suggest that they should not be regarded as confidential to the Select Committee however they are regarded as in respect of the general public, because you will not get to the bottom of this until you see what the actual objections are. I do not mean to say that there is not such a thing as an administrative impossibility, but it is a phrase used sometimes, as we all know in India, to dress up a bogey.

Mr. *Butler*.] These questions were fully gone into in the evidence which the Secretary of State and his advisers, including Sir Malcolm Hailey, gave before the Joint Select Committee, and these administrative points were put to his advisers, including Sir Malcolm Hailey and Sir John Kerr, and answered in some detail, particularly in Questions 7416 and 7417 of No. 21 on the 21st July, 1933.

Begum *Shah Nawaz*.

C17. Are they the only points that the Local Government as well as the Government of India have referred to, or are there any more points with regard to those administrative difficulties of which they make so much?—Might I be referred to the actual question?

Mr. *Butler*.

C18. Question 7416 was asked by Sir Hari Singh Gour and answered by Sir Malcolm Hailey. Sir Malcolm referred to "a test electoral roll on the new franchise in certain selected areas. They were so selected as to be more or less illustrative of what we might expect to find when we came to prepare the full electoral roll afterwards." In that question, and in his answer to the next question Sir Malcolm details some of the difficulties which a typical local government has experienced in making an electoral roll?—Yes, I read those, but, if I may say so, there is not a word about literacy in these two answers.

Marquess of *Lothian*.

C19. I understand your main point is your argument that literacy is a practicable qualification?—It has been recognised I think in the White Paper itself that it is practicable because it has been put forward as one of the means of in-



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creasing the proportion of the voters of the scheduled castes up to 10 per cent. in two Provinces, and I cannot imagine what the special difficulty can be in other Provinces. The test is perfectly easy. I don't rely only upon my own opinion, but I have questioned on this point some of the most experienced district officers of the past who are now in England. It is perfectly easy for a village officer, controlled by a tahsildar as suggested, to dictate a passage to a would-be elector and to listen to that elector read it. The whole thing can be perfectly public. It is a perfectly easy test. I cannot help thinking that the difficulties have been very much exaggerated, but as I say it is quite impossible for me to come to grips with them until I see on paper what they are supposed to be, and none of the public has yet seen what they are supposed to be.

C20. Does that conclude your evidence? Yes, Sir. (Mrs. Strachey.) I have only three points to put forward. I cannot claim to speak of the Indian conditions, because it is 20 years since I was there, but what I can claim to speak of is the way the Suffrage Movement catches hold of women, and that is certainly true of women of all races and all nationalities. I was in the British Suffrage Movement from the time I grew up to the time we got the full enfranchisement. I was its Parliamentary Secretary during the critical years, and I really know what effect the Suffrage Movement has on the females of the population. The more active politically-minded of them go perfectly berserk about it, they can do nothing else, and they can think of nothing else; they go perfectly mad for their own rights and throw everything to the winds. That is what you are laying up for the women of India if you do not put them into this new constitution when it starts. You are preparing, not only a suffrage agitation, but a militant agitation which will prevent all the more active minded women in India from helping on the new constitution. You are dragging them out of that and driving them into a new agitation, to trouble and impede the progress of the Government in India.

Sir Hari Singh Gour.

C21. You say it will emphasise the sex disqualification which the women of India would resent?—Yes, of course they would. They would start in an inferior

position of a serious kind—a numerically inferior position—and it is inevitable that within a few years this same Suffrage Movement which hit us so hard would be troubling the Government of India. I think, unless a reasonably large number of women get enfranchised now, before the thing starts, you are laying up serious trouble for the future Constitution of India; not only that, but you are throwing away the help of Indian women which could be so considerable in making smooth the progress of the new Constitution. I speak very passionately on that subject because I was right in it here in England. I saw women of ability and real possibilities of public service forced to waste their time on this barren, stupid, silly agitation for rights, when they might have been helping on the things they really cared about: welfare of children, welfare of social conditions, the various interests of their country that were real to all of them; but they could not get at them because of this barrier of disfranchisement that stood in the way.

Begum Shah Nawaz.

C22. May I know what was the proportion of women to men that you got when you first were given the vote?—Yes. Under the first enfranchisement of women in this country, which was partial, with an age limit of 30, not adult suffrage and not on the same terms as men, in England and Wales there were 6,941,929 women voters and 10,281,054 men voters; that is nearly seven to 10. In the United Kingdom as a whole there were 8,479,156 women to 12,913,166 men which was 17 to 24. The proportion was about one to 1½ in each case. That was followed, after 10 years, by complete equal franchise, which at this moment gives a very slightly higher number of women voters than men in the country. My second point deals with the results of enfranchisement, again arguing by analogy from what has happened here. In the 12 years which preceded the getting of the vote in this country there were four Acts passed directly relating to the special interests of women as apart from the interests of men. They were an Act dealing with midwives, an Act dealing with married women's power to hold property (that was a very small Act only relating to Trust Estates), an Act dealing with women's qualifications to sit on County Councils, and one Act dealing with Affiliation Orders for



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separated wives. Those were the only four Acts relating to women passed between 1902 and 1914. Taking out the War years, when everything was abnormal, we then come to the Suffrage Bill which was passed in 1918, and in the eight years which followed that there were 18 Acts directly affecting the interests of women. I put aside things like housing and other things, which relate obviously to both men and women; but these are directly on women's own position and special interests: eligibility for Parliament, affiliation orders, midwives, sex disqualification removal, intestacy (affecting the right of women to hold property), nurses' registration, maintenance orders, infanticide, married women's maintenance, Criminal Law amendment (relating to the age of consent), law of property (intestacy again), matrimonial causes, sale of drink to children, guardianship of infants, summary jurisdiction (dealing again with separation orders), widows' pensions, adoption of children, and the registration of midwives, and maternity homes.

Mr. Isaac Foot.

C23. What period was that?—Between 1918 and 1926—eight years. It ran along at the rate of nearly three a year, whereas before it was merely one every three years.

C24. Have you a list now showing what has been the spate of legislation affecting women since you have become a majority in the country?—No, I have not. I think that has made no appreciable difference. With the partial franchise there was not any appreciable difference in results as distinguished from the complete franchise.

Begum Shah Nawaz.

C25. How many Acts do you say were passed during the earlier years of the present century?—From 1902 to 1914 there were four, and from 1918 to 1926 there were 18. I have not taken it beyond 1926 because, as the position of women becomes more and more equal in this country, it becomes more and more difficult to differentiate between what are really women's Bills and what are not. It is not only legislation that has altered in this country. You find an enormous increase in the number of women taking part in local government since the Parliamentary franchise was

granted. Women have had the vote for local government for a considerably longer time, and they have been eligible for local councils since 1907, but they were taking a small part in that work until the Parliamentary franchise was given, which aroused their interest in public questions and drove them, so to speak, back to the detailed administration of those questions and to an interest in local government, and every year since 1918 more women have come forward and have been elected on to borough councils, county councils, rural district councils, urban district councils, and all the local government bodies.

Major Cadogan.

C26. I hope the witness does not think I am unsympathetic—this has nothing to do with my feelings about the question—but are you establishing an analogy between English women and Indian women? You are giving information about English women?—Yes, certainly I am trying to establish an analogy.

C27. Do you maintain that the education and position of English women are the same as those of Indian women?—No, clearly not. We needed the vote in spite of being well educated and well able to look after ourselves. The Indian women need it even more because of the difficulties arising from the fact that education has not reached them yet. Much as we needed it, they need it more, and if it did all this for us, what will it do for them? That is my argument. I was saying it was not only Acts of Parliament which have resulted here; it does afford an increase in the interest and contribution which women have been able to make to local government. It is also the entry of women into administration, which is an exceedingly important thing, and, particularly, obviously important in a country where a large proportion of the women population are in purdah. If you do not have women officials, how can you hope to reach the women in purdah with the health regulations or any of the other domestic legislation of your Government? It seems to me that the question of using the women in the administration of India is obvious, moreover, with the experience we have got in this country, following the Parliamentary franchise, that you do get, in fact, an increase of women in administrative positions, it becomes an additional argument for extending the franchise to women in

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India, in the hope also that that may lead to an increased use of women in the administration, major and minor positions both, of the Government of India. That is my second point. The third point I can put very shortly. It is, that the British women in this country who are enfranchised citizens do feel very strongly that they have a responsibility to the only nominally enfranchised women in India and they are really concerned about it. They are passionately anxious to help, and I am bound to say, though, perhaps, it is not orthodox to say so, that unless women in India under this Constitution do get a fair enough proportion to be able to have some political weight in the first few years of the new Constitution, we British suffragists are going to help the women of India to try to get that altered in India.

Begum *Shah Nawaz*.

C28. In every possible manner?—In every possible manner.

Marquess of *Lothian*.

C29. Does that complete your evidence, Mrs. Strachey?—Yes.

C30. Now, Lady Layton, I think your Deputation has set out very fully the main thesis for the suffrage. What I would like to do is to get a little more clearly what suggestions you have to make for dealing with the administrative difficulties which were put forward by the Secretary of State and others in public evidence. I think I am right in saying there is no lack of sympathy. The problem is largely a practical problem. Now so far as the Provincial proposals are concerned, I understand your first proposal is that, instead of having the name of the individual wife, if there are difficulties in obtaining that, the roll should simply register "wife of X Y Z," namely, the man voter. That is your first proposal?—(Lady Layton.) That is so.

C31. Your second proposal is that the literacy qualification should be restored on the ground that it cannot be administratively impracticable if it is used in Madras and is used as one of the qualifications for the Depressed Classes? Is that correct?—That is correct.

C32. Now turning to the Central Legislature, what is your proposal there (I am not certain that I got it very clear) for dealing with a situation which admittedly will only produce one woman in 20?—We have no further proposals

with regard to that, except to restore the literacy qualification. My other proposal with regard to the Federal Assembly was with regard to the election for the reserved seats.

C33. Have you considered at all the possibility of enfranchising the wives of the existing Assembly voters?—We should welcome that, and be quite prepared to accept any qualification of that kind, if it was found administratively more possible. Might I at this point just add one word with regard to the literacy qualification, which Sir Philip Hartog did not touch upon? We are very anxious to see the literacy qualification restored, because there are so many Indian women who are well educated, who have been educated in their homes, and are now taking a very active part in the political movements of their country and in other ways, and who would be enfranchised by that method and by that method alone. They are not on school registers, because they have not had the opportunity, either through purdah or because there were not the schools for them, to take any particular kind of examination, and it would clearly not be possible to increase the number of women who can pass any kind of educational test for many years to come, on account of the difficulties of having sufficient teachers and getting the schools going, and so on. So we do lay particular stress on the restoration of the literacy qualification for the first two elections.

C34. Then, turning to the special representation of women in the Assembly, you object to the system by which the nine women members are elected by the Provincial Councils, on the ground that it will not produce the type of woman member that the women will want?—Yes; and further on the ground that they are the only members who will be indirectly elected. All the other members of the Assembly will be directly elected.

C35. Is your alternative that, as has been suggested for the Provincial elections, special constituencies should be created in each Province in which men and women should vote, which should return that one woman as representing the Provincial women to the Assembly?—That is one proposal. We have made several proposals. Another proposal is that in the capital cities of the Provinces there should be a special constituency. We do not lay any particular stress upon what kind of constituency is made; we do only lay stress upon the importance of

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those women being elected in a constituency of some kind so that people will get used to electing women to the Federal Assembly, and the women in the Federal Assembly will be conscious of their responsibility to actual men and women for the work that they are doing.

C36. In that constituency, there should be both men and women voters—not women voters only?—We should prefer that.

C37. Then the other practical point was the representation in the Council of State. Your suggestion there is that although the leaving of eligibility qualifications vague, makes it difficult; it does not make it impossible, for women to be returned; at the same time, it would be preferable that women should be treated like the Indian Christians, Anglo-Indians and Europeans and the women members of the Provincial Councils should be made members of an electoral college for returning one or two women. Am I correct in saying that these are the practical proposals that you want considered for dealing with the administrative difficulties?—That is so.

*Sir Hari Singh Gour*

C38. I understood Lady Layton and Sir Philip Hartog to question the statement that has been made by the Secretary of State, or rather by Sir Malcolm Hailey, with regard to the administrative difficulties anticipated, on the ground that the administration at the present moment is all man-made and man-run, and you suggest that if this inquiry were made through the medium of women and there were some women honorary workers and stipendiary workers appointed for the purpose of preparing an electoral roll for the women of India, that administrative difficulty would disappear?—I feel convinced that that is so.

C39. But when you have the difficulty at the present moment, for example, of the purdah system, that is to say the seclusion of women system, when the low paid village accountant getting a salary of about £1 a month, £12 a year, goes to a circle of villages, the women naturally do not want to come before him, but if you have a school mistress, for instance, in that locality to go round and put down the names of all women, there would not be the same difficulty?—That is so.

C40. At the present moment, the administrative difficulty that is pointed out

by the Government really exists because of machinery of men being universally employed for the purpose of getting at women voters. Is that not so?—That is quite so.

C41. Consequently, what you demand is that women also should be employed for the purpose of securing the electoral roll of women voters and then the question of purdah and seclusion would not appear at all?—We have not made any specific proposal of that character. I am not quite clear from Sir Hari Singh Gour's question whether he is speaking of the application of the wives or of the literacy qualification.

C42. I am really speaking of the administrative difficulty which the Secretary of State stated to the Joint Select Committee of getting all women on the register, and, therefore, making the rule more rigid in the case of women that only the wives who put in an application should go on the register?—I think our answer to that would be, first of all, that undoubtedly both women's organisations, teachers and women inspectors, could be utilised in places where there was likely to be any difficulty in getting the names of the women; but it would be still easier, it seems to me, to revert to our actual proposal, that at the first roll, when it might be difficult to enlist all these outside people, it should be sufficient to find from the male voter whether he had a wife, or not, and to put it down merely as the wife of "Mr. So-and-So." When the voter goes to the poll, the husband would be responsible for her identification and the name could be taken; and on a second poll, you would have the individual names; but for the first poll, which is, I imagine, the primary difficulty administratively, that seems to be the simpler solution. If that is not sufficient, undoubtedly the suggestion that is put forward by Sir Hari Singh Gour would meet with our entire approval, and I can say that the organised women of India have immediately replied, on hearing that this objection had been made, that they were quite certain that they could assist any investigation of that kind that was made and see that it was successfully carried through.

C43. Now the next point I wish to draw your attention to is that even after all is said and done and the women get what they want, their number of votes in the Local and Central Legislatures

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would be very small compared with the number of men who would be returned, and that for the last 150 years, under the reform enfranchising women, removing their age-long disabilities for the acquisition and inheritance of property and improving their social status, social reformers in India, both in the Legislature and outside, have been confronted with these difficulties—though the difficulties would still remain, and women will have to fight their own battle for a long time to come, but now that Parliament is establishing responsible Government in India, do you not think that it is up to Parliament to appoint a Committee to inquire into the present status and disability of the women of India, and to take a bold step, at any rate, to place them on a reasonable footing of equality, and then let them work out their own salvation in the future Legislatures?—I am not quite clear as to what Sir Hari Singh Gour means by his question.

Sir *Hari Singh Gour*.] We have been pressing upon the Government that Parliament professed to be the trustees of the people of India, and we have been pressing upon the Indian Government, and through the Indian Government, the British Cabinet—

*Chairman*.] Sir Hari, is this a proposal which relates to the Constitution?

Sir *Hari Singh Gour*.] Yes. This is a proposal which deals with the fact that Parliament is now going to transfer its powers, and, in transferring the powers, what we suggest is that these radical disabilities, from which the women of India have been suffering for a long time past, should be removed by Parliament by appointing a Committee and giving them such reasonable facilities at the present moment before announcing its decision in this matter.

Marquess of *Lothian*.] Do you mean that the Parliamentary Committee should alter all the Legislation of India affecting women? I think the idea is rather that this is a matter for India. That you are creating Legislatures which will be empowered to deal with these things, and the question is whether the women of India are going to have an adequate voice in those Legislatures to see that matters affecting them will be properly dealt with.

Mr. *Davidson*.] Does Sir Hari really mean this, that the future of the women

of India should be a matter for the Legislature of India?

Sir *Hari Singh Gour*.] No. My point of view is this, that the disabilities from which the women of India suffer, and have suffered, for a long time past, might be at least partially removed at the time that the new Constitution is promulgated by a Committee being appointed. During the Simon Commission there was the Hartog Committee on Education, a Committee on Franchise, and Committees on various other subjects dealing with the Constitution. It is suggested that there should be a Committee appointed for the purpose of eradicating some of these outstanding evils from which the women of India suffer and then for the rest leave them to help themselves.

Mr. *Isaac Foot*.] I suggest, with all respect to Sir Hari Singh Gour, that that is a matter which would be for the discussion of the Committee and not for questions to these ladies.

Marquess of *Lothian*.] I think so, yes.

Begum *Shah Nawaz*.] May I add one thing? Most of the disabilities from which the women of India suffer are social disabilities, and no Parliamentary Committee can possibly remove them.

Sir *Hari Singh Gour*.] The next point I wish to ask is this. Sir Philip Hartog has very rightly pointed out that there is a tremendous amount of wastage of girls who are brought into the school for primary education, and the Hartog Committee emphasised that fact in their valuable Report submitted to the Simon Commission. Has Sir Philip any suggestion to make as to how this wastage might be reduced, if it cannot be eliminated?

Marquess of *Lothian*.

C44. Sir Hari, may I ask what has that got to do with the Constitution? As I understood, Sir Philip's argument was an argument for seeing that women should have adequate representation in the Legislature which will have to deal with these questions. Is that not correct?—(Sir *Philip Hartog*.) Yes.

Marquess of *Lothian*.] I think we have got to keep these questions to the points which have a bearing upon the Franchise and the new Constitution?

Sir *Hari Singh Gour*.] Very well; then I have finished.

Begum *Shah Nawaz*.

C45. I want to know something from Sir Philip Hartog about literacy. Is it

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not a fact, Sir Philip Hartog, after all the experience you have had in connection with the Education Committee, that in most of the homes in the villages the girls study at home. Most of the literate women that you will find in the villages have read, more or less, in their own homes?—I am afraid, Begum, that I cannot say that as a matter of personal knowledge. I have heard that said, and what is, I think, certain is that if you take the wealthier classes in the villages, you will find the older girls do not go to the schools, but if they are educated, they are educated at home, they must be; there are no secondary schools in the villages.

C46. If the educational qualification is to give the vote only to women who are holding some certificate or another, either of primary standard or matriculation, would it not mean that most of the prominent women workers belonging to my generation as well as one or two generations back, would not get a vote under the educational qualification? I do not get one, because I do not possess any certificate of primary standard or matriculation?—I can say quite certainly that a considerable number of the most distinguished women in India would not get a vote, if there were no literacy qualification and if they had had to depend upon passing matriculation, or on some school register.

C47. Would not it mean that by not accepting literacy you are keeping out a most useful, intelligent electorate that you ought to have for the new Constitution?—I should say that you would exclude a number of very able women unless they came in under some other qualification, such as the husband's property qualification, or their own property qualification.

C48. You said something about indirect election to the Legislative Assembly. Supposing that the proposal embodied in the White Paper of the indirect election to the Federal Assembly were to stand as it is, would not it mean that in most of the Provinces where the extremist party would be in power, because they would be the majority in the Provincial Legislatures, women belonging to that party alone will be elected as members of the Federal Assembly and *vice versa*? In the case where some of the orthodox parties will be in power, in many cases women belonging to the moderate section will not have repre-

sentation on the Federal Assembly?—(Lady Layton.) I think that is so, and it is because of that that we feel that if you have an election in any constituency women will have a chance of standing really as representative women and will be elected as against any woman who stood as a communal woman, if you have a general constituency; we are so anxious that that should happen for the reason that it is the only way of educating the people what the women's question means and how Parliament can touch it, and it is the only way of educating women for the time which is bound to come after the first two elections, when they will have to be elected on their own merits and their own strength and capacity to pull a constituency. We feel that, if they are elected indirectly to the Federal Assembly, when the first elections pass, and the period when they have reserved seats passes, they will not have had the opportunity of electoral experience which is necessary and of putting themselves before a general constituency, which is the only way in which they would have a chance of being elected later on.

C49. You would agree with me, would you not, that if there are to be reserved seats for women, such seats should be provided for them in all the Provincial Legislatures, in the Upper Chambers in any Province where they are constituted and in both the Central Legislatures?—I would certainly agree, particularly in the case of Provinces which have not now got reserved seats. We understand that they have not been reserved because they are backward Provinces, and that seems to us the very reason why it is most necessary that you should have women on the councils. In those councils, the condition of the women and the power to make themselves felt on the councils, to improve those conditions, would be far greater than in the more advanced Provincial Councils such as Madras, where the women are sufficiently organised and strong enough to bring pressure to bear, even if they have not got actual representation.

C50. Under the White Paper proposals there is to be a high property qualification for membership of the Upper Chamber. I think you are aware that the women of India are asking that this high property qualification should be supplemented by an educational qualification in order to make more women eligible for member-

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ship of that House. Would not you be prepared to support that claim of the Indian women?—May I ask if the Begum Shah Nawaz is referring to the Council of State?

C51. Yes?—If that is the only method by which eligibility of any women to the Council of State could be effected, we should be willing to propose that, but the other method that we put forward, of the electoral roll, might be more on the same footing as the present elections for that Council.

C52. In paragraph 13 of your Memorandum you lay stress on the fundamental rights clause for women. You feel strongly, as the women of India do, do not you, that equality between the two sexes with regard to their fundamental rights should be made clear, either in the Constitution itself, or it should find some place somewhere in His Majesty's Proclamation, or in the Instrument of Instructions to the Governors?—Indeed, we do, and we realise fully the difficulties we have had in this country in combating the fact that these fundamental rights have not been adequately recognised until such a very recent date. At the same time, we are conscious of the danger of any statement about fundamental rights which might in any way be a limiting factor, because we realise that that may be more dangerous than to have no statement at all.

C53. Supposing, Lady Layton, that the Joint Parliamentary Committee or the Local Governments and the Government of India think that, instead of the wives' vote, they can propose some other qualification which would make the numbers almost the same as those recommended by the Indian Franchise Committee, you would have no objection to its being accepted, would you?—We should have no objection to its being accepted, provided that it gives the women a sufficient power in all constituencies, rather than in particular constituencies. To increase the number of women voting in certain constituencies—in urban areas, for instance, and not in the rural areas—though better than leaving the women in the condition envisaged in the White Paper (because it is essential that the women should have power somewhere) would not be so good, in our view, as that the women, under some method of franchise, should have a sufficient voting strength in every constituency, because, when it comes to

the discussion of Bills and the possibility of carrying out legislation on the women's behalf in the Provincial Councils and in the Federal Assembly, the thing that matters is that you can bring influence to bear on all your Members of Parliament. The fact that you can influence 13 per cent. of them is not much use, even though that influence can be a very weighty one. It is quite true, as the Indian women themselves state, that they are perhaps more organised in the towns, and you may have a more educated expression of the women's view in the towns and it might be very valuable, as soon as practicably possible, to have an increased franchise in the towns before it is possible to extend it throughout the country. But we do stand by our first proposals, that we cannot accept a position which leaves the women less represented than one woman to five men voters, not in one or two constituencies but throughout the country.

C54. One of the reasons given against women becoming voters in such large numbers as recommended by the Indian Franchise Committee has been this, that some of the local governments and the Government of India think that it would mean too much pressure on administrative machinery, and the numbers might be so large that there is a fear of the administrative machinery breaking down. You would agree with me, would you not, that if that happens to be the case, it is high time that the British Government realised their duty towards half the population of the country and that, instead of making the numbers of enfranchised women less, they should reduce the numbers of enfranchised men?—I entirely agree with you.

C55. Lady Layton, you said this morning that we were suffering from many social disabilities. You would agree with me, would you not, that if the British Parliament cannot directly help us in the matter, the best method that they can adopt of indirectly helping the women of India would be to give them a good proportion of the voting strength of the country?—I not only agree with you, but I would go much farther.\* The only excuse that the British Government has got for not having improved the conditions of women in India has always been, as we have maintained, that they were so bound up with the social conditions of India that only the Indians themselves could alter those conditions. We are now handing over to the Indians



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themselves this responsibility. We are all the time laying great emphasis on the necessity, while handing those over, of safeguarding the rights and improving the disabilities of those classes of the Indian population who are in a minority, or who are suffering under any unfair treatment. We are taking special care of the labour population. We are taking special care of the scheduled castes. It is incomprehensible to us that, that being so, we should be content to leave the women in such a position of weakness that they admittedly cannot bring a sufficient influence to bear on Parliament to conquer their disability and to do the things which I am sure in this country the British Government would wish to see done in India, but which we have always held we were unable to do because we could not interfere with the social customs.

Mr. Davidson.

C58. Can you point to any provision in the White Paper which prevents a woman standing on an equality with men (and equality has been the basis of your plea) in any general constituency apart from the special reserved women's seats which appear in the Constitution?—It is quite true that the women are treated on a technical position of equality; we do not gainsay that, but in the present position of Indian women that technical equality leaves them without any real equality. Take the last Montagu proposals. The women have an equal voting strength with the men on a technical equality. They vote on the same property basis, and it is true that in the White Paper they are given a technical equality on the educational qualification, but they have not got equal opportunities with the men, because no Hindu woman is allowed to hold any property, on the one hand, and, on the other hand, as Sir Philip Hartog has pointed out, the possibilities of education for the girls have been so infinitesimal compared to that of the boys that it has been impossible for them to take advantage of them and to be educated. It is for those reasons that we are claiming a differential qualification for the women (we admit it) because the women of India are not as we were in this country on a sufficiently equal basis to start with to be able to get representation equally.

C57. I would specially like to ask Mrs. Strachey, with whom I have had conversations in the past, whether, having once

granted rights, you can take them away, and do you propose permanently to place women in a superior position (whatever the developments in India may be) over men by making a provision in a permanent Constitution?—(Mrs. Strachey.) It is not a permanent Constitution. My answer is that you are not making permanent provision. After a period of years the electoral arrangements will be re-considered. You say you cannot take away again the extra rights.

C58. Is it easy to?—It is entirely speculative. How can anyone answer that, but it seems to me certain if the women are taking advantage of getting the social equality, which we hope they will get under this, they themselves will be demanding equality of rights with men backwards as well as forwards just as we are inclined to do in this country. (Sir Philip Hartog.) May I say a word on that point? The Secretary of State in Answer 7316 dealt with this question of a differential educational qualification. He said: "First of all, we have found the gravest possible objections urged, I think, in almost every Province in India, against a differential education qualification for women." But he gave no details whatever. If I might just answer Mr. Davidson's question as to the possibility of taking away rights which have been once conferred, I think it would be practically impossible to remove a woman from the register at a later stage who had been admitted under a differential qualification, but it would be quite possible not to add any more when the opportunities for boys and girls were equal.

Mr. Davidson.] I was thinking not so much of the actual franchise as representation.

Major Cadogan

C59. Is not the answer that obviously the whole thing will have to come up for review? For instance, the whole question of reservation of seats, communal representation, and so on?—(Lady Layton.) Yes.

Major Cadogan.] It is not like our English constitution where we have not had these artificial things, and, obviously, it is implicit in this Constitution which it has been proposed to give to India, that they must come up for revision. Is not that right?

Mr. Davidson.

C60. The only point was that I was rather puzzled, because the whole of the



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plea (I recognise it very well) has been equality as between men and women, but, at the same time, there is a plea that there should be not equality but preference and differentiation both in representation and in qualification?—May I answer that?

Marquess of *Lothian*.] Is not the point this, that, while there is legal equality, the effect of the White Paper proposals is that only one woman may get the vote as against 15 men in the Provinces, and one woman as against 20 men at the Centre.

Mr. *Butler*.

C61. That is an interpretation which we cannot necessarily shoulder. Might I give a further reference to Sir Philip Hartog? Questions 7483 onwards also refer to the difficulties?—(Sir *Philip Hartog*.) \* I was going to refer to them.

Begum *Shah Nawaz*.

C62. Is it not the fact that almost all the women's organisations are not asking for any reserved seats. All they ask is that you should give them their full voting strength, 50-50?—(Lady *Layton*.) That is what I would have liked to say to Mr. Davidson. The Indian women themselves would like adult franchise with absolute equality, but, as that is not a practicable possibility, we are asking for the nearest equivalent to it in voting strength. We do not think one in five is sufficient. Without having adult franchise we think there ought to have been a much closer proportion than that, but we are prepared to support that as a minimum proposal, but the Indian women themselves do want in the long run, and in everything they have said they have stood for, equality, and, as you get closer to adult franchise in India they will be the first to ask that any special reservations and special conditions shall be removed. With regard to the communal questions which Major Cadogan spoke of, I understand that this Committee is not dealing with that, and that the reservation of seats is all part of that decision, and that therefore we are really not at liberty to give any answers on that point.

C63. Is it not a fact that some of the women belonging to the moderate section are prepared to accept these reserved seats just because they feel it will not be possible for them for a long time to

come to get their full voting strength, that is one woman to one man?—That is so.

C64. In almost every country women are supposed to be a conservative element. You would agree with me, would you not, that if the women of India, by getting this voting strength, have some of their social disabilities removed, there would be a tremendous stabilising force under the new Constitution?—I agree with you, although my experience of India is a very brief one, but I saw sufficient of India to realise what a very big influence the woman does play, whether in purdah or out, and in the home life, and I think there is no doubt in our own minds and from what we have heard from others, that it will be a tremendous stabilising influence in India once the women have had the political influence which we all need before we can bring our weight to bear; and once they have had the education and the opportunity of administrative work it will make a tremendous and profound difference in the whole development of India.

C65. Would I be wrong in saying that if the united demands of almost all the women's organised Indian bodies that are at present working for educational progress and social uplift are not given full consideration by the British Parliament at this stage, it will only mean that they will be turning their activities to slogans such as "No Taxation without full voting strength"?—That is what I think is likely to happen, both from one's experience of the activities which are now taking place in India and of what happened in this country. (Sir *Philip Hartog*.) Might I just supplement what Lady Layton has said and the Begum has said about the conservative influence of women?

Marquess of *Lothian*.

C66. Just give us the reference; I think we all know the Simon Commission Report by heart?—Yes. It is my own Committee's Report, page 151, Section 13.

Dr. *B. R. Ambedkar*.

C67. I would like to ask one question. I do not know whether you agree with me, but I suppose when you press for votes for women, I think you also desire that the franchise should be so devised that the women who will be brought upon the register will be drawn from all strata of Indian society, and not necessarily drawn, either from the upper strata or

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the middle strata or the lower strata exclusively; that there ought to be some proportion of the women on the electoral roll to the communities from which they are drawn?—(Lady Layton.) As far as is practically possible, certainly.

C68. I mean, it is not your case that you want this mathematical ratio of 1 to 4 or 1 to 5, but apart from that ratio, you would also desire that all women from all sections should be on the register?—Certainly, as far as possible, we do want to feel that the urban and rural voters and the different sections will be adequately represented.

C69. You will also agree, I suppose, that if the education qualification or the property qualification were fixed higher, the result of that would be that you would be getting on to the electoral roll women drawn from one section of Indian society alone?—That is so. I would supplement that by saying that if it were administratively possible, we should welcome, and we have pressed in our Memorandum, that the wives of the lower property qualification should be enfranchised, and not only the wives of the Higher Property qualification.

C70. What I am anxious to get at is this—whether you attach importance to the point which I am putting to you, namely; a well proportioned distribution of the women's voting strength throughout the population, or whether you merely attach importance to the proportion of the man voter as against the woman voter?—We attach importance to both those factors, but we think that the women's interests for the moment are sufficiently safeguarded on this particular question. If you have a sufficient number of women enfranchised in all the districts for them to represent the other women, the women who are not enfranchised, we would like to see it as low as possible, and if it is put at a certain place now we would like it to be moved as soon as practically possible. We ourselves would certainly wish to see it as low as possible. We would be prepared to ask for adult franchise, if it were practically possible, but we realise it is not administratively possible.

C71. Might I put the same point in a somewhat different manner? Of course, all women are interested in matters of social welfare; that is quite true. The woman's point of view may be quite common, but you will also realise that schemes of social welfare are going to

cost money, if they are to be put through and that would require taxation?—Yes, I quite appreciate it would.

C72. And all women may not take the same point of view with regard to that; they are likely to divide on the basis of the class to which they belong?—Yes. I can give you two answers to that. First of all, take the education point of view. If you have a certain amount of money to divide on education, women of every class would agree that it should be spent equally on men and women, whereas, if you have not got women with sufficient pressure to bear, you will still go on spending a great deal more on the boys than on the girls. In the first place, that is one of the things that has to be seen to. Also, I would say this: The women of all classes who are taking any active interest in welfare are pressing that there should be a larger proportion of finances spent on education. I think you could safely trust to the women of most classes to take that line at the present moment, but I should be very glad to see the franchise taken as near as possible, and that is why I do lay particular importance upon the literacy qualification. Any woman who is intelligent enough to be of any value to bring any pressure to bear at all, can make herself literate within a reasonable period, and if you have the literacy qualification, and any section of women feel strongly that the section of women which has the vote, is not taking the vote, they have the weapon in their hands, and it is for that reason that I have always been so strongly in favour of literacy, and it is for that reason that all the organised women of India are also in favour of literacy.

C73. I am satisfied, as long as you see my point of view. Sir Philip Hartog, I just want to ask you a question about literacy. We have really no information as to what the administrative difficulties are, as they are alleged to be, against adopting literacy as a test for the franchise in the case of women, but what I understand the difficulties to be are these: First of all, it is suggested that there are no certificates available which would enable a registration officer, off-hand, to satisfy himself that a woman falls within the category required under literacy, and, therefore, would in the position to be put on the roll off-hand. That being the case, we shall have to adopt the procedure suggested in the proposals, that a village officer should

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examine and his certificate should be countersigned by a tahsildar. I think the administrative difficulty that is suggested is this: How is a village officer to approach a woman in the village to find out whether she is literate or not? Would you make it depend upon the woman who wants to get her vote having to approach and make an application?—(Sir Philip Hartog.) I think that is the only possible way. She would have to have sufficient interest to say, either herself or through her husband. "I wish to be placed on the roll; I am literate and am willing to be tested."

Mr. Butler.

C74. How does that differ from application?—(Lady Layton.) I do not think we have objected to application on the part of literacy in our Memorandum. We do not object. We think that the people who are already recognised as literate in any educational qualification that is admitted should be put automatically on the roll. Beyond that, it must be a matter of application.

Dr. B. R. Ambedkar.

C75. So really this objection raised on the basis of inquiries made in households, which might be objectionable, would not arise?—Never. (Sir Philip Hartog.) May I just say, it seems to me to be an appropriate place to make reference to two answers of the Secretary of State bearing directly upon the point which has been raised by Dr. Ambedkar. In answer to Question 7437 the Secretary of State said: "In future, for future generations of girls or women, it will be a comparatively simple matter to adapt your educational registers and returns for electoral purposes, but in Provinces where that has not been done hitherto, there will be very considerable difficulty in doing it for the first election." Now, I think this must be read with another answer of the Secretary of State; he says at page 817, Question 7214: In answer to the Marquess of Salisbury, that in the Act of Parliament he would say for X number of years there can be no alteration of the franchise. Consequently, it would be of little use to have improved educational returns for the second, third or fourth elections, if those second, third or fourth elections came within the period of X years. Let me take the question of numbers. The total number of literate women was estimated in the Lothian

Report before the last census to be a million and a quarter. It is on page 86 of that Report. Of those, 345,000 are in Madras, with regard to whom there is no difficulty. That leaves over for the rest of India the relatively small number of 875,000. Now, if it was possible to put 345,000 Madras women on the rolls for one election, and that must have been done at some time or another, why is it impossible to put 875,000 women on the rolls for the whole of the rest of India?

Mr. Butler.

C76. I think that question was answered somewhere in the course of the Secretary of State's evidence. First of all, the conditions are, I think, quite different, and, secondly, Madras has a register based on local Government returns, which makes it easier to adopt the qualification there. That is found in the answer of the Secretary of State?—I am aware of Question 7435; I have got marked on my copy those answers to which Mr. Butler refers. I know that in answer 7435 Sir John Kerr said he thought it would put an unbearable strain upon the administrative machinery, but unless one sees what the detailed objections are, one cannot answer detailed questions of that kind. From my experience in India, I am familiar with general statements of that kind, and am quite familiar with the way they break down under cross-examination, and still more in actual practice.

Mr. Cocks.

C77. Lady Layton, I understand, taking the Provincial franchise first, that under the proposals of the Franchise Committee, the Lothian Committee, they recommended a proportion of 1 to 5, or the result of their recommendation would be 1 to 5?—(Lady Layton.) Yes.

C78. Under the White Paper, I understand it is estimated that the proportion will be about 1 to 7. Do you think it will be as much as that?—I feel quite convinced still more by the Secretary of States evidence out of his own mouth that it certainly will not be 1 in 7, but more like 1 in 16 or 1 in 20. It was for that reason I made that statement at the outset of my speech to-day, because it was quite clear from the Secretary of State's evidence that there were two administrative difficulties in mind when the application was put in; one was the administrative difficulty of finding out

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the names of the wives; and the second was the administrative difficulty of having to poll so many women at the first election. Now, you cannot have it both ways. You cannot say you are going to have 1 in 7 and at the same time say: "This is splendid; we shall be able to run this thing because we are really only going to have about 1 in 4 applying." It is for this reason that we think it is rather disingenuous to pretend the total proportion of women to men enrolled will be 1 in 7 in one breath, and, with the next, to give as your reason for insisting on application, that it will greatly reduce the numbers of women on the first electoral rolls because few will apply at first. We are quite convinced the second argument is right. If you take this country, we are quite sure if you left it to the women at the first election to apply for their vote, you would have nothing like the proportion of 3 in 4 applying. In this country, without the difficulties of purdah or getting to the polling booth, or going out and appearing before the public and taking part in public life, I am quite sure in India it is a conservative estimate to think that you are going to have 1 in 4. I, myself, would not be at all surprised if it was much less than 1 in 4. I think that after the first election, when things have warmed up, or when the organisations have got going, and the women have begun to realise that certain things were going to be discussed in the House which they were concerned with, the political parties will be able to bring that up, but at the first election I am sure that will not happen. The only party that would be able to get people to apply would be the Congress Party, because that is the most adequately organised political party, and they would actively work to persuade women to go and apply, but I do not think you will get the majority of women at this moment doing it, and that is why I think it is such an unfair thing to have done, in regard to women who, in any case, will find it difficult to go to the poll, with all the transport difficulties, distance and purdah, and so on—to add to their problems by giving less than this differential qualification of application. We do feel that most strongly.

C79. You want to abolish the condition of application?—We want to abolish the condition of application as regards

the wives' vote, but are quite prepared to accept it for literacy, it would be natural for both men and women if you had a literacy qualification. It is only a suggestion that the literary qualification should be for one or two elections, and until the period when it was possible to get more women to pass the ordinary educational standards and get in on the same footing as men. It is purely a temporary measure, the literacy qualification.

*Miss Pickford.*

C80. With regard to that, Lady Layton, when you say it is purely a temporary measure, are you referring to the qualification for the Federal Assembly only?—Yes.

*Mr. Cocks.*

C81. On the question of literacy, you think the qualification of matriculation, or something approaching that, is far too high, I imagine?—It would amount to something like 12,000 women voting, at the most.

C82. What do you think would be the effect upon the electorate of this country if matriculation were made a test? Do you think it would disfranchise a million electors?—Do you mean by itself?

C83. Yes, if that was the test?—It would disfranchise a tremendous number of people, but it would enfranchise a much larger proportion than in India, because the majority of children who do go through the secondary schools do go in for the matriculation standard.

C84. Even though England is a country which spends much more on education than India does, you would find it would disfranchise more than half the electorate?—It would disfranchise much more than that, because even in the schools where they get the very best material that is going up for scholarships, you have a very large proportion of girls and boys who are not generally taking the matriculation standard, and never get past the School Certificate.

C85. It might disqualify many Members of Parliament, I imagine?—It is quite possible.

C86. And Members of the House of Lords as well?—I have no doubt about the House of Lords.

C87. You think the test is simply the ability to read or write a letter, say?—I think that that should be the qualifi-

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cation during the next two elections during which period you are going to give the women the opportunity of pressing for educational opportunities and make it possible for them to reach, at any rate, a primary standard and to get some kind of actual qualification. At present it is quite impossible for women to get the other qualification because in enormous numbers of villages and even in some towns there are not the schools to do it. However much the woman may wish to do so it is quite impossible for her to pass certain tests, even the lower standard not quite as high as the matriculation. Literacy is the only test that can draw in many of the intelligent women in India, and I think you will be surprised to find the number of Indian women who are taking a leading part in this country and India to-day who would be disqualified if the matriculation standard were adopted.

C88. You think it would be sufficient if a woman could read or write a letter?—That seems to me a fairly simple thing to judge—whether a person can read and write a certain letter.

C89. As far as franchise is concerned, you would really accept the proposals of the Lothian Committee?—Yes.

C90. As far as the Assembly is concerned, what do you suggest the proportion under the White Paper proposal would be of women to men?—The proportion at present would leave the women one to 20, practically the same as they are to-day, because the men's franchise is increased and the women's is increased—the actual numbers are increased—but the proportions are left the same, in spite of the fact that every committee and conference that has met has strongly emphasized the necessity of increasing the women's proportion in the Federal Assembly for the reason that in the long run it is the Federal Assembly that is going to legislate on these questions that concern women. On these big questions of child marriage and of increasing the general medical service for India, the administration of that kind of thing must inevitably be an all-India one, in the long run, be finally decided in the Federal Assembly, together with questions of divorce and women's property. It is not very likely that Provincial Assemblies will take very definite decisions on questions of intestacy and so on. It is much more likely that they would be settled in the Federal Assembly, and that is why we

think it is absolutely essential that women should have a real voting strength there. Whatever may be said for the possibility that women in their own Provinces may be able to exert influence without having the vote, I am perfectly certain that will not be so with a thing so remote as the Federal Assembly, unless they have the vote.

C91. I notice you give two alternatives for increasing the vote in that way. One is to add all voters on the Provincial Roll who pass a test of literacy. Another is to add the wife voters. Which of those two alternatives do you prefer?—Personally I prefer the literacy because I think it does give an opportunity to those women who are really keen and who are really interested and who really want to take an active interest in getting themselves enfranchised; and also one is quite certain it will enfranchise the women who now are in that position; but I think that the first important thing is that you should have a sufficient number to be able to influence what is going on.

C92. That answer depends on the literacy test being adopted for the Provincial franchise?—Yes. If you have one it is obviously so easy to use it for the other.

C93. If it were administratively practicable for the Province it would be the same for the Federal Assembly?—You have the same roll clearly. I would like to stress what Sir Philip Hartog was saying, that, in spite of what Mr. Butler was saying, that it is much easier in Madras than in other Provinces (which, of course, I am quite willing to admit), if you think seriously you are only expecting to have 875,000 women over the whole of India spread over all the rest of the Provinces, the actual numbers which that means in any particular district, in any particular Province, cannot make it so administratively difficult. (Sir Philip Hartog.) It would delay your elections for three or four months; that is all. It is worth it. (Lady Layton.) The advantages so outweigh the difficulties (which we are willing to admit there may be) that they are worth the extra cost and labour involved at the outset, and once you have got it, the thing is done. What has distressed us most and what we feel most strongly about is that too much weight and importance seem to have been attached to these difficulties and not nearly enough attached to

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the fundamental importance of women being adequately represented. It is not as though you are just balancing two things which are of equal importance. One is vitally important to the whole future of the women of India.

Marquess of *Lothian*.] I think you have made the point very well. We must not get into a series of speeches.

Mr. *Cocks*.

C94. Can you give the estimated number of women who would be enfranchised under the White Paper and the estimated number who would be enfranchised under your proposals?—For the Provinces under the Franchise Committee's proposals there are 6,620,000 odd estimated. Under the White Paper you have that very difficult problem as to how many women you think are going to apply; whether out of the four million who could be enfranchised, three million will apply, or two million or one million, and that is entirely a question of judgment; but I have deduced from the Secretary of State's evidence that he only really expects something like one in four to apply rather than three in four, in which case you would reduce your four million to about one million wives. Add to that two million, roughly, property women voters, and that leaves you with three million as against six million.

C95. For the Assembly?—For the Assembly the important point is the proportions.

C96. I wanted to know the numbers?—The numbers of women under the Franchise Committee are 1½ million—1,578,151. Under the White Paper they are 300,000.

C97. Only 300,000. That is for the Government of all India?—Yes.

Begum *Shah Nawaz*.

C98. Out of 165 million women?—That is out of about 63,000,000 adult women.

Mr. *Cocks*.

C99. For the Council of State you are asking for certain special seats. How many would you suggest?—We suggest one or two as a possible minimum, but we have not really made any definite proposals as to numbers.

C100. That is what you have in mind?—We have that in mind; but the main thing also is that they should be eligible in some way. We are not clear whether they are eligible. I was not clear from

the Chairman's remarks as to whether they are actually eligible under the present regulations.

Marques of *Lothian*.] They are not eligible for the Council of State to-day, but they would be, I understand, under the White Paper for the Upper House.

Miss *Pickford*.] The Secretary of State's evidence gave that.

Begum *Shah Nawaz*.

C101. When both the Houses are to have almost equal powers do you think the one or two that you are suggesting is a sufficient number?—I think that they should be in a position to be able to increase that number by their eligibility. I was only speaking really of the actual reserved places if it is decided that it should be done in that way.

Mr. *Cocks*.

C102. You know that the Governor-General has power to nominate ten members to the Council. Would it satisfy you if it were said that one of those must be a woman?—That would be better than nothing, but I am sure all Indian women themselves would far prefer to have some kind of electoral roll, as I have proposed, of the women in the different Provincial Councils, electing one or two or three members, than to have it done by nomination, because I think they would again feel that a woman who was elected would be more likely to be a freer woman and a spokeswoman of the right type than one who was nominated.

C103. In the last ten of fifteen years tremendous changes have been taking place in India. Do you not think one of the most remarkable of those changes has been the political awakening of Indian women?—I think it is quite one of the most remarkable. It has gone forward at a pace which nobody could have thought possible, and which I should think has no parallel anywhere in the world. It is quite extraordinary, and I think what we ought to remember is that the stimulus to-day has been the national feeling of taking part in a new self-governing community. That has been the main stimulus in the last few years. That is why I think it would be so very unfortunate if that is not recognised in the proposals of the Government.

C104. You know the Franchise Subcommittee of the Round Table Conference



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said that no system of Franchise can be considered satisfactory where such a great disparity exists between the two sexes, and the Prime Minister's letter said that a proportion of one-twentieth was not satisfactory or adequate. Bearing those two things in mind, do you think the present proposals of the White Paper are clearly throwing over both the Prime Minister's and the Round Table Conference's views?—We think they are entirely throwing them over, and we think the Secretary of State's evidence has shown that even more clearly than the White Paper itself.

Mr. Butler.

C105. Have you, in your consideration of literacy, considered the question of the overlap which is bound to take place between those who would be qualified for literacy and those who would be qualified for property, or a wife's qualification?—Yes, we have taken that into account, and I understand in all the figures that have been brought forward, the final figures as to total numbers, the Franchise Committee recognised and allowed for it, so that in the figures I have given, which I was asked for just now, that has been taken into consideration.

C106. Do not you think the overlap is likely to be very considerable and very hard to judge?—It may be, but that will settle itself quite simply when it happens. It will not give anybody a second vote. It will merely mean that nobody who has been enrolled as a wife would apply to be enrolled as a literate, or vice versa. When once you were enrolled you would be enrolled.

C107. When you take it that there are 875,000 women literates in India, excluding those who would be qualified in Madras, and when you consider the question of overlap, I think you will agree that the actual numbers would be very small?—Yes, at the present moment I think that is probably true, but I do think my answer to Dr. Ambedkar is very important in this respect. (Sir Philip Hartog.) This point is referred to on page 87 of the Lothian Report.

C108. I was referring to the numbers we were quoting this morning?—They come from the preceding page.

Mr. Butler.] Thank you very much. Do you realise that the actual gross figure of the women's voting figures as included in the White Paper is 4.8 in their ratio to men, and do you realise that in putting in a ratio of one to seven

we have made elaborate allowance for overlapping, and so forth, and that really the gross figure is of a very satisfactory nature and comes within the 5 per cent. which you yourself advocate?

Begum Shah Nawaz

C109. And also application for registration?—(Lady Layton.) I realise you have made allowance for the overlapping, but I also realise you have not made allowance for the number of people who will not be likely to apply under the wife's vote when they have to apply, because you specifically state the number of people you assume will apply, which is three-fourths, and it is after that that you make your allowance.

Major Cadogan.

C110. There is no means of estimating that at all, is there?—There is no means of estimating it, but the Secretary of State himself made it quite clear that the Councils were counting on the fact that there would be only a much smaller proportion than that applying, otherwise there would be no reason to put in the requirement about application, because the administrative advantages from the point of view of reducing the numbers of women would be gone. You cannot have it both ways. If you are not going to reduce the number of women why irritate them by making them apply? If you are going to reduce the number of women you cannot pretend that you are enfranchising them in the proportions of one to seven, because they will not be there. You cannot have it both ways.

Mr. Butler.

C111. If Lady Layton will refer to the Secretary of State's answers she will appreciate some of the difficulties which have confronted us?—I can see a division of opinion in the Secretary of State's mind. I am sure he would be quite willing to enfranchise more women if he were not confronted with the difficulties which the Provincial Governments are putting to him, but I want to strengthen his hand by assuring him that he has to assure the Provincial Governments that the women of this country and the women of India are not going to put up with it, and he must realise that they are so strong that the Provincial Councils must get over their administrative difficulties.

C112. Is it not important that the ratio of men voters should be taken rather



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than the ratio of men electors when you are actually taking the proportion of women who are likely to apply as against the proportion of men voters who actually go to the poll?—No, surely not. It is because the figures are not put clearly in the report. I am comparing the number of women that it is estimated are likely to apply (that is those that will be on the roll) to the number of men who who are also on the roll. I am comparing the two sets of people on the roll.

Major Cadogan.

C113. Those who apply, and those who intend to vote?—It is quite true if you apply you probably mean to vote, but if you think of the conditions of Indian women to-day, or of any woman for that matter, it does not necessarily mean when the particular date comes for the election she will be able to vote. There are many things that prevent women voting. There are the practical difficulties of getting to the poll which must be much more great in India.

Mr. Butler.

C114. May I put it to you, when you are working out those rather large percentages which you have given us, which the Government cannot accept as being likely to be true, you should work out the proportion of actual men who go to the poll as against the actual proportion of the women who apply, and I hope your fears will not be justified by the actual ratio?—I do not think that would be a fair comparison, because, if so, you have also got to reduce the proportion of your women, who vote on the property qualification; that is your 2,000,000 has to be reduced by about 60 per cent. if you take the last elections, and your figures are completely different. I do not really think it is practicable to attempt to compare the proportion of men who did vote at the last election with the proportion that are likely to vote at an election in which India is, for the first time, responsible.

C115. I was not asking you to take the last. I was asking you to forecast the future, and to take the same standards for both men and women, that is all?—If you will make the men apply for their vote as property voters, I am quite prepared to do that—not otherwise.

C116. May I ask you one general question? Do you not accept that the White Paper proposals in respect of the number of women voters and the number of

seats reserved for women are a very great advance on anything hitherto?—In India?

C117. Yes?—Yes, certainly, they are an advance on anything hitherto.

Mr. Davidson.

C118. I have only got one or two questions to ask. I hope that my intervention earlier in the proceedings was not taken to mean that I am not in favour of every possible advance in the condition of women in the world at large, and especially in India; I think my political record would justify that. I should like to ask this question. Do you agree that in the production of proposals for franchise, they must, in a Constitution Act, apply equally to the whole of the country? I mean by that the question of literacy. It is perfectly easy to argue, is it not, that in the south of India, where political advance and the absence of purdah and the use that the women have made of local elections, and so forth, if that were set as the standard for All-India, it might not work out practically?—Yes.

C119. In other words, one has to try and strike a mean which will enable the franchise proposals to work as a practical proposition?—Yes.

C120. Secondly, do you agree that some weight must be given to the evidence of those who have had the practical working of elections in India, and that their evidence must be of some value?—I agree that some consideration must be given to it. There is never any likelihood that consideration will not be given to it, because, clearly, they must play a very important part in any decision; but there is always a danger of the man who is running a thing close to it losing sight of the wood for the trees, and that is the danger which I see has arisen with regard to this problem.

C121. Would you agree also with the proposition that it is impossible to obtain absolute perfection at the first election under any Constitution?—I agree, yes.

C122. We ought to aim at getting as near as we can to it?—Yes.

C123. You will also agree that political organisation in India is in its infancy?—Yes, but not such an infant as it was.

C124. And that a great many of the difficulties with regard to the possibility of the women exercising the votes that are given to them may be remedied by the more intensive political organisation of the women in the future, even as

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regards its effect on the application of women for the vote?—I agree, but I should like to qualify that with this remark. If the women are put in such a very inferior position, they may not bother to put any pressure behind the application, but they may be, as Mrs. Strachey suggested, so bitter about it that they may do what appears to be unreasonable, and instead of educating their sisters to apply and to become literate, and to do all the things which we should like them to do, they may merely make themselves as unpleasant as they can and try and work up among the illiterate population, a population which is very easily swayed, a movement which may cause a great deal of trouble, and may prevent the administration from carrying out other things in a reasonable manner.

C125. But does Lady Layton think that where provision has been made for the enfranchisement of a large body, but not a large enough body, naturally, for those who wish a larger body—but assuming that provision is made for the enfranchisement of a large body of women and the reservation in the local Councils of actual seats for women, that the women's movement is likely to die in India?—(Mrs. Strachey.) May I answer that? This Committee must know very well that the Indian women do not like these reservations at all. What they want is adult franchise on an equal basis and no reservations. The only reason why they could be got to work happily with this proposal is if it gave them substantial numbers. If it does not give them substantial numbers, all their theoretical and genuine objections to special treatment and reservation will be revived, and I am perfectly convinced that you will find them in hot opposition to the whole thing unless this proposal is so adjusted as to give them substantial numbers and enable them to go into real political questions other than this tiresome question of their own rights.

C126. Then your fear is that they will be driven to agitate outside the Constitution and not to work for the Constitution?—Certainly. (Lady Layton.) I entirely agree.

Miss Pickford.

C127. I do not think there is very much left for me to ask, but there are just one or two points I would like to bring out. Am I right in understanding

that the main line of argument in your introductory statement was that unless women in India, or in other countries, have a substantial proportion of the votes in the country, it is not worth while for candidates and members to pay particular attention to what may be called women's questions, and that the history of this country may be said to prove that?—Yes, that is quite so.

C128. And, not only do you anticipate that it will be the same in India, but that the history under the last 12 years of the Reforms goes to prove that?—Yes, that is so.

C129. That when the proportion of of women voters to men voters in India has been as 1 to 20, in such subjects as education, which Sir Philip Hartog has drawn attention to, women, or rather girls, then have a very small proportion of the funds available?—Yes, that is so; not only a very small proportion of the funds available, but a smaller proportion than they had before.

C130. And that would be true with regard to other social activities, such as, for instance, maternity and child welfare and general health services?—Yes; and might I say, we all know we are going through a difficult time economically, and India is not free from this difficulty.

C131. That is the point I wanted to come on to next, that it would be recognised that India, like other countries in the world, will not have so much money to spend on social and other services as she might wish to have, and that, therefore, the distribution of the funds available will be a matter of the first importance?—Yes.

C132. Do I take it then that your main line of argument is that it is of the first importance that women shall have a voting strength sufficient to make, not only candidates but also Legislatures, pay attention to their desires?—Yes, that is entirely my view; it is exactly what I have been trying to put forward.

C133. And that you lay more importance upon the volume of voting than upon the actual methods by which women shall be brought upon the electoral roll?—Yes, that is so.

C134. Do you also lay very great importance to the distribution of those votes fairly throughout the constituencies?—Yes, for the same reasons.

C135. Therefore, without wishing to support any particular method of bring-

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Sir PHILIP HARTOG.

[Continued.]

ing women upon the roll, does it appear to you that what has been called the qualification of the wives of the property holders does, not only, bring on the largest number of women, but also in the fairest distribution?—In the present state of India, and having regard to the administrative difficulties, I think that is so.

C136. And, therefore, for that reason, you feel that the wives' qualification will bring pressure to bear on all constituencies, better than such a qualification as adult franchise for urban areas?—Yes, for the reason that only about 27 per cent. of the constituencies are urban and the rest are all rural districts, and, therefore, you will only have the representatives of that 27 per cent. feeling the pressure of the women's vote, whereas in all the rest of the constituencies, being rural districts, the members will be quite indifferent to what the women think.

C137. With regard to the question of bringing on the wives of some of the property owners, has the attention of your Committee been drawn to another proposal, that of enfranchising the widows of soldiers who served and fell in the War, the pensioned widows, and also the wives of men who, under the White Paper proposals, and the existing Constitution are enfranchised as ex-soldiers and officers?—Our attention has been drawn to that, and we shall be quite willing to support that.

C138. With regard to the literacy qualification to which you attach so great importance, you do realise that even if every literate woman applied, it would only bring on to the roll, not, I think, even allowing for overlapping, 1,250,000 women?—We do fully appreciate that, and for that reason, we have supported the wives' vote in addition, and we are most anxious to keep that. We should like the wives' vote to have been for the lower property qualification; we should have liked it for many reasons. One of the reasons Dr. Ambedkar put, namely, it does bring it to women of a different class; we should have liked to have had it happen, but, at the same time, though it is a small number, as I stressed before, we do feel it is very important that some qualification should be given which the Indian women themselves like. We think that is very important, and they do want the literacy qualification, and, I think

that is a very important factor. (Sir Philip Hartog.) And it will increase.

C139. I was going to say that it has the further merit that it is an automatically increasing qualification without requiring any change in the franchise qualification?—Yes, administratively so, and it is one of the things which the Government of India would like for that reason.

C140. Is it a fact that under Provincial Autonomy the majority of the questions which affect women socially, what may be called, popularly, the nation-building services, will be matters for the Provincial Councils?—It is a fact that they will be matters for the Provincial Councils, but, as I said before, they are also matters for the Federal Assembly, and a great many of them, undoubtedly, will be finally settled by the Federal Assembly.

C141. But such questions as education, public health, and so on, are all Provincial matters?—Yes.

C142. And, therefore, it is, may I say, of the first importance to have a substantial women electorate for the Provincial Councils?—Yes, that is so.

C143. I think from what you have said that you recognise that under existing conditions in India, where special representation is a feature of the Constitution, it is important that special representation should also be given to women?—Yes. We have accepted that for the very reason that the situation is unique in India.

C144. It is not confined to special representation to women, but is an essential feature of the Constitution?—It is an essential feature of all the other parts of special representation which will be necessary. I should like to qualify that by saying that we fully sympathise with the Indian women's great dismay and dislike of the necessity of being, themselves, brought into the communal problem, because it has been a very particular feature, and we have great respect and admiration for the Indian women's organisations who have kept free from it, and that is why we do want, as far as possible, to meet their views, which are based on a good ground, that wherever possible they should have these general constituency electorates, so that they can, as soon as possible, break down this communal feeling; and I feel that the women will have a greater chance of doing that if there are a sufficient

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[Continued.]

number of them and sufficiently strongly backed behind, both in the Provincial Assembly and the Federal Assembly, because they have had in their minds all the time that these are all wide India problems; they are not communal problems.

C145. But on the general question, your Committee recognises that under a limited franchise, inevitably limited owing to the present state of development in India, it is necessary to consider together the question of franchise and representation. They cannot be considered in watertight compartments?—No, I entirely agree.

C146. Now just a final question on the special representation for the Federal Assembly. You have taken objection to the White Paper proposals for the special representation in the Lower House of the Federal Assembly. Have you taken into consideration this point, that women elected by the whole Provincial Council are indirectly representative of the Province, as a whole?—We have taken that into account, and I would say myself that when I first saw the proposal, I was quite prepared to accept it; only, on thinking it over and meeting the criticisms that the Indian women themselves put forward, did I realise that they were really just criticisms. I quite saw the advantage of a woman feeling that she was representing the whole Province; I think that is an advantage. On the other hand, there is this other point, that this is a temporary thing. We know it is a temporary thing. It is specifically stated that these reserved seats are only for two elections, and that you are not going to give the women the opportunity of representing and meeting a general constituency, if you elect them in that indirect method, and they will be in a different position in the Federal Assembly from all the other members, because all the other members are going to be directly elected to the Federal Assembly.

C147. But you realise the very formidable arguments that can be drawn against your proposals, that a woman who is elected either by a special constituency or by the capital city of the Province, is a representative in the Federal Assembly, not of her Province, but of one constituency alone?—I do realise that, but I think that does not outweigh the other. After all, all the representatives who are there from the Province, will be representing the whole Province; you will have quite enough

representatives of the Province as such in the Federal Assembly. It is not as if the women who were there would have to bear the burden of all the questions that cover the whole of the Federal Assembly, and, moreover, it is always possible for a woman to be elected as one of the other Members, there is nothing to prevent her being elected in the other capacity but it seemed to me that the reserved seats for the women at the moment in the Federal Assembly is for a particular purpose, in order that they may voice the women's questions and women's problems. It is a temporary position, and as such they are in a much stronger position than if they had been elected directly.

C148. I think your suggestion for a special seat, if any, in the Council of State, the Upper House, was that the woman or women who should go there would be elected by all the women representatives in the Provincial Councils?—Yes.

C149. Do you realise that very strong objections have been made in India to a special women's electorate, and that the electorate for those special women's seats is composed of both men and women?—Yes, I do realise that, and if any other alternative method of finding a means of electing one or more women for the Council of State could be found, we would be quite willing to accept it. I do not lay any particular stress upon that particular method. The Organisations have said that we want representation on the Council of State, and we are trying to think out how best that could be done. I realise that these other bodies have been elected in that way, the Anglo-Indians, Europeans, and so on, and it did seem a method by which women who had been already elected might be elected.

Begum Shah Nawaz.

C150. May I put a supplementary question: Would you have any objection to one seat for women being reserved out of the quota of seats given to the major Provinces, four or five for the women for the Council of State, and these seats to be filled in by indirect method as it is going to be the case for the men?—No; I should have no objection to that.

Mr. Isaac Foot.

C151. We have on the Memorandum this very important list of societies. May we take it that the Memorandum is the considered representation of those several societies?—You may take it that

26<sup>th</sup> July, 1933.]Lady LAYTON, Mrs. O. STRACHEY and  
Sir PHILIP HARTOG.

[Continued.]

this Memorandum has been circulated to all the societies, and has been considered by all the societies.

C152. Every one of them has had the opportunity of considering it?—Every one of them, and they are all represented on the Committee which decided the lines on which it was to be drawn up, and which saw it before it was circulated to the Committee.

C153. Broadly, the position is that you think theoretically the women of India should be upon the same basis as the men, but that every exception should be proved by the necessity of the country's conditions, and should be as far as possible temporary. Is that broadly your view?—Yes.

Marquess of Lothian.] Thank you very much.

*(The Witnesses are directed to withdraw.)*

Ordered, That Sub-Committee C be adjourned to Saturday next, at half-past Ten o'clock.

DIE SABBATI, 29<sup>o</sup> JULII, 1933.

Present:—

Marquess of Lothian.  
Mr. Butler.  
Mr. Cocks.

Mr. Davidson.  
Miss Pickford.

Delegates:—

Dr. Ambedkar.  
Mr. Jayaker.

Begum Shah Nawaz.  
Sir Hari Singh Gour.

The MARQUESS of LINLITHGOW in the Chair.

RAJKUMARI AMRIT KAUR and Mrs. HAMID ALI are called in, and examined as follows:—

*Chairman.*

C154. Rajkumari Amrit Kaur, and Mrs. Hamid Ali, you are here on behalf of the All-India Women's Conference, the Women's Indian Association and the National Council of Women in India?—  
(*Rajkumari Amrit Kaur.*) Yes.

C155. You have been good enough to provide us with Memoranda marked 49 and 56, which you now hand in?—Yes, they are as follows:—

# MEMORANDUM 49 ON THE STATUS OF INDIAN WOMEN IN THE PROPOSED NEW CONSTITUTION OF INDIA BY THE ALL-INDIA WOMEN'S CONFERENCE AND THE WOMEN'S INDIAN ASSOCIATION.

After a careful consideration of the proposals embodied in the White Paper with regard to the status and enfranchisement of women in the proposed new Constitution of India, we representatives of the All-India Women's Conference and the Women's Indian Association find that they fall far short of the demands made in our memorandum of August, 1931, presented to the second Round Table Conference.

We are still of opinion that only the proposals made in our first memorandum

will confer upon women equal political status, but as they have not been accepted on the ground of their supposed impracticability, at the present moment, we feel obliged to make the following new proposals:—

## FUNDAMENTAL RIGHTS.

1. We urge that the recognition of the principles of equality between the sexes should find a definite place in the declaration of the Fundamental Rights of citizenship in the Constitution Act.

29<sup>o</sup> *Julii*, 1933.]

[Continued.]

2. We desire to point out that the word "Sex" has been omitted from page 29, para. 75, of the introduction to the proposals for Indian Constitutional Reform, as embodied in the White Paper, and it should be inserted.

#### FRANCHISE AND REPRESENTATION.

1. Though we feel strongly that Adult Franchise is the best method of enfranchising men and women on a basis of equality, we would accept as a temporary measure—until such time as universal Adult Suffrage can be introduced, and we earnestly hope it will not be long before it is introduced—the following system:—

(a) We recommend that for both men and women literacy (ability to read and write in any language) should be substituted for the higher educational qualifications proposed in the White Paper for voters in the elections for the Provincial Legislatures and for voters in the election for the Federal Legislatures.

(b) We accept the property qualifications as recommended in the White Paper for eligibility to vote in elections to the Provincial Councils and we strongly recommend that the property qualification for the provincial franchise be adopted for the Federal franchise, also.

(c) We strongly disapprove of the proposed special condition under which women may be enfranchised, namely, being the wife or widow of a person possessing the property qualifications at present entitling him to a vote for the Provincial Legislature, and we are of opinion that our rights as citizens should not depend on any extraneous factor like marriage. We would therefore recommend that in addition to (a) and (b), men and women of 21 years of age and over be enfranchised in all urban areas. The number thus enfranchised would be approximately fourteen millions odd, including those already enfranchised under (a) and (b) in the urban areas. These should vote both for the Provincial and the Federal Legislatures. The registration of voters should, we recommend, depend on the personal application of the claimant.

2. We strongly object to the election of women to the Federal Assembly from the

Provincial Legislatures by the Indirect system as proposed in the White Paper (para. 4, Page 75, Appendix II).

3.—(a) We earnestly recommend that men and women should be equally eligible for membership of the Upper House. This should be clearly mentioned as the existing practice does not allow women to stand for the Upper Chamber of the Council of State.

(b) We recommend that property qualifications should be supplemented by educational qualifications for the membership of the Upper House.

4. In the matter of reservation of seats for women both in the Provincial and Federal Legislatures we adhere to our original demands and are strongly opposed to any such reservation.

#### ELECTORATES.

We are of opinion that a system of Franchise and Representation based upon Communal electorates and interests, as proposed in the White Paper, will be highly detrimental to the progress of the Indian people as a whole and to that of women in particular. We stand united in our demand for a system of joint electorates and in our protest against the communal award as it will introduce the poison of communalism into the now united ranks of the women of India.

#### ALL INDIA WOMEN'S CONFERENCE.

(Lady) Vidyagouri Ramanbhai Nilkanth,  
(President).

(Dr.) Muthulaksami Reddi (Chairwoman).  
A.I.W.C.  
Hon Secretary, W.I.A.

(Rajkumari) Amritkour.  
(Begum) Jahanara Shar Navaz.  
(Mrs.) Hansa Mehta.  
(Mrs.) Hilla Rustomji Faridonji.  
(Mrs.) S. C. Mukerji.  
(Mrs.) Renuka Ray.  
(Mrs.) Malinibai B. Sukthankar.  
(Mrs.) Aruna Asaf Ali.  
(Rani) Lakshmbai Rajwade.

#### WOMEN'S INDIAN ASSOCIATION.

(Mrs.) Shareefah Hamid Ali.  
(Mrs.) G. L. David.  
(Mrs.) Ammu Krishna Menen.  
(Mrs.) Hirabi A. Tata.  
(Mrs.) M. Hannen Angelo.



29<sup>o</sup> Julii, 1933.]

[Continued.]

## MEMORANDUM 56.

MEMORANDUM 56. SUPPLEMENTARY STATEMENT ON THE STATUS OF INDIAN WOMEN IN THE PROPOSED NEW CONSTITUTION OF INDIA SUBMITTED BY THE THREE ELECTED REPRESENTATIVES OF THE ALL INDIA WOMEN'S CONFERENCE, THE WOMEN'S INDIAN ASSOCIATION AND THE NATIONAL COUNCIL OF WOMEN IN INDIA.

*The All India Women's Conference.*

Founded in 1925. This Organisation has Constituencies in every Province in India as well as in 12 Indian States. The total number of Constituencies with their sub-constituencies is at present 118.

*The Women's Indian Association.*

Founded in 1917. This Association has its headquarters in Madras with 24 centres and 72 branches distributed throughout India.

*The National Council of Women in India.*

Founded in 1925. This Organisation has six main centres in different Provinces, including Burma with six branches and 77 affiliated societies.

The ever-expanding membership, running into millions, of these three organisations is drawn from women of all races, communities, castes and creeds by reason of which their inner strength and all-India character enables them to voice truly the public opinion of the womanhood of India on matters of vital concern to women's interests in a manner that can in no sense be expressed by individual local women's societies or organisations.

We should like to point out, at the outset, that it is through the efforts of these All-India Women's Organisations that Indian women have been enfranchised.

"The Franchise Committee which visited India in 1919 expressed the view . . . that the social conditions of India made it premature to extend the franchise to Indian women at that juncture when so large a proportion of male electors required education in the responsible use of votes. If this advice had been followed, a beginning could not have been made until now, and the request that Indian women should have some direct opportunity of influencing the course of politics in the land to which they belong

would still have remained wholly unsatisfied. But the claim was pressed by the Women's Indian Association and its allies, and the Electoral Rules made under the Act were so drawn as to secure that if any provincial council passed a resolution in favour of removing the sex disqualification this should become an operative decision; and a corresponding facility was conferred upon both Houses of the Indian Legislature."

(*Report of the Simon Commission.*)

Remedial legislation is increasingly finding a place in the Statute Book of India in response to our insistent demands. We lay full claim to the passing of the Child Marriage Restraint Act as the direct result of our labours, and The Lady Irwin College in Delhi is a standing monument to our united efforts in the field of educational reform. In short, it is due very largely to our work and propaganda on behalf of the women of India that there exists in our country to-day in the minds of both men and women a real interest in and desire to give to woman her rightful place in the New Constitution.

In spite, however, of the acknowledged recognition of the just claims of India's women to full citizenship and equal opportunities for service by His Majesty's Government, the Prime Minister and the various Committees and Commissions that have of recent years visited India and in spite of our own united demands for the fulfilment of that recognition, we must confess to a sense of profound disappointment and dissatisfaction at the wholly inadequate proposals contained in the White Paper with regard to women's franchise and our status in the New Constitution.

We now wish to refer in more detail to our Memorandum II. on the Status of Indian women in the New Constitution of India.

## FUNDAMENTAL RIGHTS.

*We strongly urge the necessity of the specific recognition of woman's inherent right to full citizenship and equal opportunities with men for public service to the country. Therefore, in the Declaration of Fundamental Rights, we wish it to be clearly stated that "sex" shall be no bar to any public employment, office, power or honour and in the exercise of any trade or calling.*

29<sup>o</sup> July, 1933.]

[Continued.]

## FRANCHISE AND REPRESENTATION.

Although Adult Franchise has been publicly declared and accepted by British and Indian authorities as the desired goal we deplore the fact that the White Paper proposals for franchise have failed utterly to inspire us with the hope that we shall reach this goal within a reasonable period of time.

While we fully agree with the Indian Central Committee that Adult Franchise would be the best means of emancipating women—and it would seem impossible to do full justice to the claims of women and the poor millions of the country without universal suffrage—we emphasise once again that the alternative proposals embodied in our Memorandum II. are put forward by us only as a temporary measure until such time as our goal is attained.

Chiefly concerned and anxious as we women are to possess the means of furthering the cause of economic, educational, social and medical reform, we consider it essential that as large a number of women as possible should be brought immediately on to the electoral roll so that our voice may be a determining factor in influencing and shaping the policy of the Provincial and Central Governments in matters of such vital importance to the nation.

(a) We, therefore, strongly recommend the "literacy" qualification for the following reasons:—

(i) a much larger number of women will be enfranchised under this than under the higher educational qualification proposed in the White Paper. "Literacy" would give us 1,255,000 voters, whereas the Upper Primary Standard would only enfranchise 500,000.

(ii) a qualification of this nature will be an incentive to education amongst the illiterate classes.

(iii) it will bring in a larger percentage of voters for the Federal Legislatures which is essential in the interests of social progress and will, incidentally, minimise such administrative difficulties as must arise if the electoral roll for both Provincial and Federal Legislatures is not the same. The proposed increase in numbers for the electoral roll for the Federal Assembly is, in our opinion, fully justified if this body is to be a really representative one and, in this

matter, we are in entire agreement with the minority opinion of the members of the Lothian Committee.

"The chief factor is the area of constituencies and not the number of electors, and owing to the proposed increase of the size of the Assembly the area of every constituency will be much smaller than at present. Therefore, even if the numbers are increased as we propose, the task of candidates will be easier than it is at present. The argument of administrative convenience is more in favour of our proposal than that of the majority."

(*Minute of Dissent. Report of the Indian Franchise Committee.*)

Moreover, the problem of numbers has got to be faced sooner or later, and we are firmly convinced that a definite beginning on the right basis can be made at once. We are emphatic that the true spirit of reform, without which no national progress is possible, must in no wise be sacrificed at the altar of administrative inconveniences.

While on the subject of "literacy" as a qualification for the franchise, we confess to our utter inability to understand the logic underlying the recommendation in the White Paper for "literacy" in Madras only—educationally the most advanced Province in India—and higher educational qualifications for the other less advanced Provinces. Such a recommendation will eliminate from the electoral roll large numbers of women who are educated but will not be able to produce the required examination certificates. Indeed, a vast number of women, who are to-day taking a prominent part in our social and educational activities, will be debarred from taking their rightful place in the public life of the country.

(b) We recommend the same property qualifications for eligibility to vote in elections to both Provincial and Federal Legislatures inasmuch as these will give us 1,929,000 women on the rolls and for the same reason as given above in support of the "literacy" qualification.

(c) We disapprove strongly of the proposed enfranchisement of the wives and widows of persons possessing the property qualifications for the following reasons:—

(i) Such a proposal is a direct negation of the recognition of the

29<sup>o</sup> July, 1933.]

[Continued.]

woman's inherent right to citizenship. There is no reason whatsoever, in our opinion, why the women of India should not be enfranchised independently of any extraneous factor, and we would like to emphasise that on this point there exists a very strong feeling amongst the members of our Organisations who perceive that they, as women, are in themselves a vitally integral part of the body politic. The importance and value of the effect of this psychological factor on the minds of both men and women must, on no account, be ignored. We would here like to point out that our traditions and social conditions being wholly different from those of the women of the West the argument that in England, for example, the wife's vote proved useful is not necessarily applicable to us, having regard to the fact that we do not to-day possess those facilities for freedom and education which they possessed at the time of their enfranchisement on this basis.

(ii) We know full well that this proposal will only serve to double the vote of the landlords and capitalists—a section of the most conservative and orthodox members of society—who are, generally speaking, invariably opposed to all progressive reforms. The recent opposition from this section, who will constitute the majority of voters to the Councils and Federal Legislatures, to the Child Marriage Restraint Act, The Hindu Widows' Inheritance Rights Bill, The Raising of the Age of Consent Bill, The Removal of Untouchability Bill, is an unequivocal proof—if proof were needed—of the cogency of our argument against further strengthening the hands of a community which has always been unintelligibly conservative and reactionary in its outlook.

(iii) In so far as the 4,236,000 women sought to be enfranchised under this proposal will be scattered over the length and breadth of India—less than half a million in each of the 11 Provinces—it will be a matter of supreme difficulty for the educated womanhood of India to co-ordinate the woman's vote on right lines, and the numerical strength of this vote will, therefore, be a negligible quantity so far as

the furtherance of the very causes for which we are working is concerned. *We attach equal importance to the quality as well as to the quantity of the woman's vote.*

Hence it is that we urge with all the insistence at our command the adoption of our alternative proposal, viz.: adult franchise in urban areas\* because:—

(i) We shall be placing forthwith on the electoral roll approximately between five and six million women—a number which, together with the women enfranchised under the literacy and property qualifications above mentioned, is the very minimum that will satisfy our present demands and needs.

(ii) Such a franchise will, we feel, ensure for us a more intelligent and, at the same time, a more independent and well organised vote—factors of the most vital moment to us at this juncture.

(iii) Difficulties in the matter of co-ordinating the woman's vote on a sound and workable basis will, without doubt, be minimised for the main women's organisations throughout the country.

(iv) The rural vote in India being so very much greater in numerical strength than the urban vote, adult suffrage in urban areas will not, in our opinion, disturb the ratio to any perceptible extent.

(v) The interests of Indian women in urban and rural areas being identical, it will be an incalculable asset to our Organisations and the cause of reform advocated by them to feel that the true welfare of dwellers in both areas is in the safer keeping to-day of a more enlightened and intelligent electorate.

(vi) Our proposal will certainly entail less difficulties as far as the Administration is concerned and, at the same time, relieve the latter in considerable measure of the expenditure involved in the recommendations proffered by the White Paper.

(vii) The increased vote in the urban areas will also help to return to the Councils and Federal Legislatures a larger number of women candidates, while men candidates returned on the strength of the

\* *Vide* Report of The Indian Franchise Committee, p. 43, para. 95, for definition of urban areas.

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[Continued.]

woman's vote will, of necessity, interest themselves in matters concerning the welfare of women. It must be borne in mind that the majority of social reformers are residents of urban areas.

(viii) There will, if our proposal is accepted, be an increased enfranchisement on right lines of the humble masses who stand in urgent need of ameliorative reform and constitute the majority of India's population.

Our recommendation (3 (a) and (b), page 4 of our Memorandum) for a clear statement that women shall be equally eligible with men for the Upper House needs no amplification. We strongly urge that property qualifications for this Chamber should be supplemented by educational ones as, under the former, the number of eligible women will obviously be negligible.

#### ELECTORATES.

*We have repeatedly urged that we do not desire the communal virus to enter into our united ranks. We, therefore, disapprove entirely and shall continue to resist to the uttermost the White Paper proposal (para. 4, page 75, Appendix II.) by which women will be elected to the Federal Assembly by an indirect system. We totally refuse to be made party pawns for the purposes of weightage for the convenience of any community—a state of affairs which will surely follow if this proposal is accepted. On the contrary, we desire direct election on an entirely non-communal basis. By merit and merit alone do we wish to find—and we are confident we shall find—our rightful place in the Councils and Federal Legislatures of our country.*

*It naturally follows that we are opposed to reservation of seats for ourselves and are whole-heartedly in favour of joint electorates—by which means alone, we are convinced, can India rise to her full stature.*

Cl56. Do you desire at this stage to make a statement or to say anything in amplification of those Memoranda?—Yes. May I crave the indulgence of the Committee for a few remarks only, not to make a statement, but just to elucidate a few more points in connection with what we have said. If we consider it necessary to make a further statement, we should like to do so before the full Joint Select Committee, if we may. First of all, I think, owing to some misunder-

standing on the part of the National Council of Women in India, their second Memorandum, which has now been numbered 56A, has not been sent to the Committee. Am I right? Memorandum No. 56A which goes under the signature of the Women's Indian Association and the All-India Women's Conference, does not include the National Council of Women in India. May I hand that in?

Cl57. Thank you?—It is as follows:—

#### MEMORANDUM 56A. ON THE STATUS OF INDIAN WOMEN IN THE PROPOSED NEW CONSTITUTION OF INDIA.

After a careful consideration of the proposals embodied in the White Paper with regard to the Status and enfranchisement of Women in the proposed new Constitution of India we, the representatives of the National Council of Women in India, find that they fall short of the demands made in our Original Memorandum of August 1931, which was presented to the 2nd Round Table Conference.

1. We still adhere to the demands made therein but as they have been turned down on the ground of their supposed impracticability at the present time, we feel obliged to make the following new proposals.

#### FUNDAMENTAL RIGHTS.

2. We urge that the recognition of the principle of equality between the sexes should find a definite place in the declaration of the "Fundamental Rights" of Citizenship in the Constitution Act.

3 We desire to point out that the word sex has been omitted from page 29, para. 75 of the Introduction to the proposals for Indian Constitutional Reform, as embodied in the White Paper.

4 We earnestly recommend that both men and women should be equally eligible for membership of the Upper House. This should be clearly mentioned as the practice as it exists to-day does not allow women to stand for the Upper Chamber.

5. We recommend that property qualifications should be supplemented by educational qualifications for membership of the Upper House.

6. In the matter of Reservation of seats for women both in the Provincial and Federal Legislatures we adhere to our original demand and are strongly opposed to any such reservation.

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[Continued.]

7. We strongly object to the election of women to the Federal Assembly from the Provincial Legislatures, by the indirect system as proposed in the White Paper (Page 75, Appendix II, para. 4.).

#### FRANCHISE.

8. Though we feel strongly that Adult Franchise is the best method of enfranchising men and women on a basis of equality, we would accept as a temporary measure—and we earnestly hope it will not be long before it is introduced—the following system.

9. (a) We recommend that for both men and women literacy (ability to read and write in any language) should be substituted for the higher educational qualifications proposed in the White Paper for voters in the elections for the Provincial Legislatures, and the upper primary standard for voters in the election for the Federal Legislatures.

(b) We accept the property qualifications as recommended in the White Paper for eligibility, to vote in elections to the Provincial and Federal Legislatures.

10. We strongly disapprove of the proposed special condition under which women may be enfranchised namely, being the wife or widow of a person possessing the property qualifications at present entitling to a vote for the Provincial Legislature as derogatory to our sense of equality, and we consider that our rights as citizens should not depend on marriage. We would therefore recommend that in addition to (a) and (b) men and women of 21 years of age and over, be enfranchised in all urban areas. The number thus enfranchised would be approximately fourteen millions including many of those already enfranchised under (a) and (b). We recommend that the registration of voters should depend on the personal application of the claimant.

#### ELECTORATES.

11. Being of opinion that a system of Franchise and representation, based upon Communal electorates and interests, as proposed in the White Paper, will be highly detrimental to the progress of the people of India as a whole, and to that of her women in particular, we stand united in our demand for a system of joint electorates and our protest against the communal award as it will introduce the poison of communalism into the now united ranks of the women of India.

#### NATIONAL COUNCIL OF WOMEN IN INDIA. *Members of the Franchise Committee.*

Mrs. Tarabai M. Premchand.  
Mrs. Sunderabai D. Sirur.  
Mrs. Agnes F. McKenzie, M.A.  
Mrs. Sultana Asaf Fyzee.  
Mrs. Kusum Nagarkar, B.A.  
Miss Ruby Navalkar, B.A.  
Mrs. Gulbanu G. Doctor, M.A.  
Mrs. Krishabai Khadye, M.B.B.S.  
Mrs. Saralabai Naik, M.A.  
Miss Leah Jhirad.

I may say that that Memorandum differs not at all from the others, except in one or two details, but as they chose me as their representative, and their memorandum was printed before ours, I take full responsibility that they would subscribe to the views in our Memoranda.

Cl58. I quite understand?—I would also like to explain why it is called the second Memorandum. Our original Memorandum, the first one, was submitted at the Second Round Table Conference, that is why this Memorandum is called the second one, it is not that we have submitted two Memoranda to the Joint Select Committee. May I presume that our supplementary statement bearing upon this Memorandum which has been circulated, has had the careful consideration of the Members of the Joint Select Committee?

Cl59. You may?—Because, of course, we want to tender our evidence on the Memoranda proffered by us, as well as on the unfeasibility and undesirability of the proposals contained in the White Paper concerning the womanhood of India. I would just like to say one or two things in order to elucidate further this point, because we are very grieved, indeed, that no effort has been made by those responsible for the White Paper to abolish the sex disqualification. If, as we have so often been told, the Government is really anxious that women should play their rightful part in the public life of India in the future Constitution, we are convinced that we do want a declaration, whether it be in a declaration of fundamental rights, if there is going to be one, or in the Instrument of Instruction, or in whatever manner that is selected finally, but we want that there should be a declaration to this effect, as appeared in our first Memorandum: Equal rights and obligations of all citizens without any bar on account of sex; no disability to attach to any citizen by reason of his or her religion, caste, or creed or sex in regard to "public employment, office, power or

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honour and in the exercise of any trade or calling". We think that this is very essential, from the point of view of the women. I should like to explain the position of the three organisations which we have the honour to represent. We have throughout stood for adult franchise or any system based thereon, and we gave evidence to this effect before the Indian Franchise Committee. We suggested the grouping system, and we say that we still adhere to our opinion that because adult franchise is the goal which has been universally recognised as the ultimate desideratum, we are not convinced that it is possible to bring women in on any basis of equality with men without adult franchise or any system based thereon; and we are not convinced after all the objections that have been raised that it is either administratively impracticable or financially impossible; but because it has been turned down, I suppose we dare not ask for a re-consideration of these views; therefore, we have put forward alternative proposals in our Memorandum which is now under consideration. We have paid attention to, I might say, five points in framing our proposals. First of all, in the very limited franchise that India is to have under the new Constitution, we want to bring as many women as possible on the electoral rolls, but though we concentrate and though we do lay an enormous importance on the numbers enfranchised, we also lay equal importance on the quality of the vote, because we want the Women's Vote to be one that is going to carry real weight, and we want the Committee, please, to have an impartial mind when they are considering our objections to the enfranchisement of women on the wives and widows qualification, and our strong advocacy of adult franchise in urban areas. The third point that we have kept in mind is that we have tried to make as few differential qualifications between men and women in our proposals, as possible. Fourthly, administrative difficulties which, alas, have always put forward where any progressive legislation, as far as women are concerned, have also been kept in view by us, and I think that our proposals do simplify administrative difficulties, and also will relieve the financial burden, if they are accepted. Then, last but not least, the Committee must be fully aware of the united stand that the women of India have taken against communal and separate electorates, and also against the reservation of seats which must, in the

very nature of the proposals embodied in the White Paper be on a communal bases. The Secretary of State in reply to a question by Miss Pickford on the 21st July, I think I am right in saying, definitely said, regarding reserved seats for women: "The communal question, of course, as she knows, does enter into the question of these women's seats very definitely." We wonder whether the full implication of this answer has been realised by the Members of the Committee as it is realised by us. May I give just one example? In practice, it will mean that every woman will have to enter the Councils or the Assembly on a communal ticket. It follows that she will have necessarily to be loyal to that community, and in the event of any controversy arising as regards any remedial legislation proposed for any particular community, the women of the other communities in the Councils or in the Legislatures, as the case may be, will be morally debarred from giving their full support, or otherwise, in matters that are going to concern, and are of vital importance to, the entire womanhood of India. I think that this is an extremely important point for the Committee to consider. Of course, I need hardly add that we shall not on this basis have the opportunity of returning the women of our choice to either the Councils or the Assembly. We women are, therefore, determined not to let this spirit of separation which is so highly detrimental to our national interests and to our personal interests, to enter into our ranks. When the Secretary of State implies—I am afraid I have not got the exact words—but certainly the implication was that the communal award was forced upon His Majesty's Government by all the communities in India, we would have him remember and the Committee remember that 47 per cent. of the population of India were never a party to it, and will never accept it. We feel extremely strongly on this point. Surely, it is not fair, and it is against all canons of justice—(I am sorry the Lord Chancellor is not here)—to push us into a Room against our will, and tell us that the door is locked; we shall not take it as being locked. Now, as far as the proposals contained in the White Paper are concerned, I would just briefly say that they meet, in the main, with our unqualified disapproval. There is no uniformity in these proposals; they vary from Province to Pro-



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vince, as, for example, in the case of the reservation of seats, certain Provinces have been omitted altogether, though we are against the reservation, as I have said; as also in the differential educational qualifications, they also vary from Province to Province. The wives and widows of those holding the educational qualification might also raise and, I think, very legitimately, a hue and cry as to why they have been ignored and preference given to the wives and widows of those who hold the property qualification. The Upper House holds no opening—at least it is not definitely stated whether it holds any opening—for women at all, to say nothing of the monstrous suggestion that there should be indirect election for us to the main House of the Federal Assembly, where educational and economic reforms are going to come in, and that is where we women do want to have strength. As far as numbers are concerned, you cannot blame us for being exceedingly depressed when you realise that various Committees and Conferences which have dealt with India, instead of increasing the number of women that should be enfranchised, have decreased the number. We seem to be going backwards. The Simon Commission actually recommended the ratio of men voters to women, in the proportion of 1 to 2. The Indian Franchise Committee brought it down to 1 to 4½, and the White Paper has further decreased it now to 1 in 7, and I would please have you to remember that this 1 in 7 is on paper only, and with all the difficulties placed in the way of that vote, which we object to, wives and widows, is going to work out in practice at 1 in 15, and probably in Provincial Councils at 1 in 20 or even less for the Federal Council. It seems almost as if they are ostensibly given with one hand and taken away with the other.

Mrs. Hamid Ali.

C160. May I say a few words? I fully endorse what the Rajkumari has said in all particulars. I should like to tell you something about the Women's Associations which we women have the honour to represent. I wonder if it is realised by Members of the Committee that it is for the very first time in the history of India that women elected accredited representatives of the women, representing the women of India, have ever come before a Committee of the British Parliament. We understand and realise fully the responsibility that

has been laid on our shoulders, and we hope that by the unity that we are going to prove to you, and by our breadth of vision and the potency of our arguments, we shall conquer those of you who do not believe in the arguments that we are putting forward and vanquish our opponents. Now may I tell you what is the nature of the Associations which we have the honour to represent. There are three Associations who have joined together. We are elected by a Joint Committee of these three Associations, first of all, the All-India Women's Conference, founded in 1925. The organisation has constituencies in every Province in India, as well as in 12 Indian States. The total number of constituencies with their sub-constituencies is at present 118. The Women's Indian Association was founded in 1917. This Association has its Headquarters in Madras, with 24 Centres and 72 branches distributed throughout India. The National Council of Women in India was founded in 1925. This Organisation has 6 main Centres in different Provinces including Burma, and 6 branches and 77 affiliated Societies. If you want me to read out the names of all the constituencies, I shall do so.

C161. I hardly think it necessary?—Then I shall read out the names of the few constituencies which have a bearing on the subject on which I am going to speak. We, the representatives of the Indian Associations have brought this Memorandum and we hear that there are other Memoranda sent from India which do not entirely agree with our views, but we still are of opinion that the Memorandum which has been sent to the Committee through us really represents the opinion of the Women all over India in spite of a few other sections of women who have brought in other Memoranda. We hear that a Memorandum has been sent from Madras and, perhaps, Bihar and Bengal. I would draw your attention to this fact, that in Madras there are 52 constituencies of the Women's Indian Association alone which have entirely accepted this Memorandum. In Bengal there are 6 branches of the All-India Women's Conference alone, apart from the affiliated Associations of the National Council of Women in India, and they have all agreed to our Memorandum, so that we still continue to think, and I hope that I have proved to you that our Memorandum is really accepted by the women in the length and



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breadth of India, because our Associations and our constituencies are spread over the whole face of India.

Begum Shah Nawaz.

C162. May I ask a question? This Memorandum represents the opinion of your Organisations, as such, and that the dissent by any member to any clause therein has not been attached to the Memorandum, but is recorded?—Certainly. I would like to point out that when this Memorandum was drafted by our Committee, the Committee which represented the three Associations, it was sent round for affirmation to all our sub-constituencies. Of course, there are a few dissentients, individual dissentients, even on the Committee, but on minor matters, and that has been recorded on the Minute but we could not naturally record the dissentients in the Memorandum. Now, about adult Urban Suffrage: We would like to have this adult urban suffrage and we would entirely do away with the wives' and widows' votes which has been suggested in the White Paper. We know that the great argument against adult urban suffrage is: Why do you women want to get more votes for urban women than for rural women? And they say that it would be very unfair to the rural women if the adult urban suffrage was granted according to our wishes. Adult Urban Suffrage means suffrage in urban areas. May I read out to you what that urban area really means; then I think it will be quite clear that it is in the hands of the Committee to delimit an urban area in such a manner that they can either give the majority of votes to rural areas or to urban areas which comprise that unit which is known as the Municipal Unit or a notified area unit, or a cantonment area unit. I speak from experience because most of my life I have lived in these so-called urban areas which are governed by either municipalities or notified areas, and I know (I am speaking of the Bombay Presidency in particular) that excepting for perhaps a few large towns like Bombay, Ahmedabad, Sholapur, and so on, which have very large populations, all other urban areas do comprise villages which have been taken into the urban area, simply to bring the population basis up to 5,000 or more. Only on that condition can they get a municipality. I will not ask you to accept my definition of the urban area, but the definition of the Indian

Franchise Committee. "For the purpose of these comparisons, we have taken as the urban population the areas classed as urban during the census; that is, all municipalities, cantonments, and other towns with over 5,000 inhabitants which, though they have not attained self-government, still possess urban characteristics differentiating them from the larger class of purely agricultural villages. The actual influence which the urban vote may have on rural areas depends largely on the extent to which urban areas are included in rural constituencies, and it is not possible to indicate at this stage what the proportion of the purely urban vote in mixed constituencies will be." Then there is something which I will leave out. "The question of the relative representation of town and country in the Legislatures will depend upon the manner in which constituencies are delimited and at the delimitation stage one of the most important matters to be taken into consideration will be the desirability of making the representation of town and country in the legislatures proportionate to the population in each. The matter will also come up for consideration in mixed constituencies consisting partly of urban and partly of rural areas. In Bombay, for example, it would be advisable, other things being equal, to arrange constituencies so that urban areas will not have a preponderating influence in mixed constituencies; while in Madras on the other hand, where the rural voting strength is the greater, it may be found desirable to give some weightage to urban areas in the distribution of seats."

Miss Pickford.

C163. That is paragraph 95, page 45 of the Indian Franchise Committee's Report, is it not?—(Rajkumari Amrit Kaur.) Yes. (Mrs. Hamid Ali.) From this you will see that it is entirely in the hands of either the Provincial Government or for anyone who makes the units, or who defines the units, to give the rural women as many votes as they would want to because in some of the Provinces you will notice that the urban ratio is larger than, or almost equal to, the rural ratio, and in some much smaller. It can be adjusted according to the needs of the moment. We are not at all in favour of giving the urban women a larger vote than necessary, but we do think that at the present time, especially for the first two or three elec-

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tions, the urban woman is the woman who is more educated than the rural woman, and the urban woman will be able to educate the rural woman far better, and lead her to vote in the right way, as we think, for our social legislation than if you give the rural woman a vote only, and no urban women get it. For instance, if you give the vote to the wives and widows, then practically all the voting will be distributed in the rural area, and it will be so distributed (50,000 I think in each province) that it will be very difficult for any organisation to reach those votes individually. We are also afraid that those votes will not be a help to us, but they will strengthen the hands of those members of the Assembly and Councils who have already shown their Conservatism by not wanting to have the Sharda Act and other similar legislation. So we do not want that the literate woman and the more educated woman should be able to influence and to get at the rural women's votes. If you accept our proposition I think it will act in fairness to everyone all round. It will also be a step towards Adult Franchise which is our ultimate goal. We really cannot understand why the wives and widows' votes have been suggested in the White Paper, and the widows and wives of propertied men only. As the Rajkumari said why not of educated men? I say why did not you suggest it of, say, the Civil Service, then you could have put another steel band round your steel frame; or why not the wives of the policemen; then we could have had the policemen's wives being put into the Reserved Department as well. There are so many other things that one could have done, but this opportunity has been neglected, and only the wives of propertied men have got this distinction of getting a vote which they do not get as human beings, but because they are the property of some man. We are entirely against it. We feel it very bitterly, and we feel that it is against the dignity of womanhood and humanity to suggest a vote like that. It begins from the very first on a wrong basis, and if we once accept it we shall find it very difficult to come back to our principles again, so we do hope that our suggestions will be considered and adult suffrage will be agreed to. May I also just point out to you that there are only 30 large cities all over India (according to the Minute of Dissent by the

three gentlemen, S. B. Tambe, C. Y. Chintamani, and R. R. Bakhale) which could be considered as purely urban areas if the Franchise was only granted to them; then that would be purely urban vote; but if the Lothian Committee definition of the urban area is accepted and acted upon, then the vote for the rural women will be equal—(or you can give more, if you will) to the urban women. Now we come to the question of the Communal Award. This is another matter on which the Women's Associations feel very deeply. We are feeling aggrieved and hurt that no account is taken of half the population of India when such a far-reaching award is made. If we accept this award what will be the result? Rajkumari will go into the Council through the Indian Christian door, Begum Shah Nawaz and I shall go into the Legislative Assemblies through the Muslim door. The Muslims' and the Hindus' and the Christians' parties will not allow each other to vote or to interfere in any legislation which bears either on the Sherriat or Shastras, or, if it is a Christian religious question, of, course, the Bible. Supposing we want to do away with polygamy in India, we three women would not be able to join together, or supposing the matter of divorce comes up, or of inheritance, then we know very well the practice of the Assembly. They make a pact between each other and say, This question is entirely for Muslims or Hindus, hands off, so they must refrain from voting. They work it so that it will be desirable that the Government members will refrain from voting because this is either a Muslim, or Hindu, or Christian, or some other question. We do not want it to work in that way. We think it is a loathsome way to work in small compartments and to cut our country into bits. It will not lead to nationhood, nor do we think it conforms to our idea of patriotism to go into small compartments like this, so we must make it clear to you that whatever happens even if this Award is continued, women like me—and I speak for a very large number of women who are working in our associations—will entirely keep out of all political matters, and we shall see to it that we try to get this Communal Award changed as quickly as possible.

*Chairman.*] There are just one or two questions I should like to ask you,

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Rajkumari Amrit Kaur. I should like you to tell us a little about the political organizations which you represent. Which of these two organizations do you regard as the more democratic?—(Rajkumari Amrit Kaur.) The All-India Women's Conference.

C164. That is the more democratic organization?—I think so, and perhaps I may be allowed to give you, as briefly as possible, an explanation of the Constitution.

C165. Might I put my questions to you and then you will see whether we are both moving in the same direction?—Yes.

C166. I should like to know a little about the organization. Let us take that one?—May I take the organization of the All-India Women's Conference?

C167. May I put it in the form of a series of questions to you because I know precisely that which I desire to discover, if I can?—Yes.

C168. Can you give us any indication now as to whether those organizations embrace all classes of the population? Naturally, in these matters interest tends to show itself first in the better educated and more well-to-do, but I am anxious to discover how the development of these organizations is proceeding?—Very definitely, yes. It embraces every woman in India, from whatever class or whatever creed, or whatever position in life she comes from. May I briefly tell you the Constitution of the All-India Women's Conference?

C169. I am not really so much concerned with the constitution; I am prepared to take from you at once that that is democratic?—Yes.

C170. What I am very anxious to discover, if I can, is as to how far the actual membership is democratic?—We have not got an actual membership in the nature of members paying fees for the very reason that we wanted to embrace all—even the very, very poor—and you know that for them it is almost impossible to pay fees, however small an amount we fix those fees at; but, for instance, when it comes to the election of our Delegates to the Annual Session those Delegates from every constituency are elected. We hold large annual meetings in our constituencies and sub-constituencies. They are open to women from every part of that particular constituency and when the election of Delegates takes place every woman present at that meeting has a vote. When it comes to framing any resolutions (and for the last three years

we might say that the question of franchise has been very much to the forefront amongst our constituencies) every woman present at those meetings has a vote, and I may say that those meetings are attended by hundreds of women, illiterate as well as literate, and they all vote, either in favour of or against and they are at full liberty to speak.

C171. Would you tell us whether the organization is doing any direct political education in the way of house-to-house visiting and attempting to interest women not yet interested in politics in such matters? Is any work of that kind being done?—Our Conference is pledged not to take part in Party politics, but we certainly do go round to women and as far as possible our Standing Committee members go into the villages and also get into touch with the villagers to put such matters as we think matter very definitely to the women in the new Constitution for India before them, and I may say we have an extremely lively interest taken in all matters pertaining to women.

Begum Shah Nawaz.

C172. May I put one supplementary question? Could you tell us something about the representative character of the meeting that was held in Bombay at the end of March which framed this Memorandum?—Yes. At the end of March, when we were definitely told that adult franchise or any system based thereon was impossible, these three organizations elected ten women from amongst themselves—ten each—to meet in Bombay, and these organizations gave these ten delegates full powers to frame a Memorandum and alternative proposals, and if we had wanted—if these ten delegates from each of these Conferences had wanted—to publish a Memorandum ourselves, we should have had the entire support of our Associations; but feeling as we do that we wanted not only to frame it ourselves (even although we had plenary powers) but that we should circulate it, we circulated it amongst all our constituencies and we have got the unqualified approval of all the branches from all over the country of all these three organizations, so that the Memorandum does really speak not only for those who actually were responsible for the framing of it, but for the constituencies as a whole.

C173. Is any work being done in the villages remote from urban centres, by way of attempting to interest women in political matters and political develop-

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ment?—(Mrs *Hamid Ali*.) May I answer this question?

C174. If you please?—There are three Associations, you will remember. The All-India Women's Conference is pledged not to take up political work; but the object of the Women's Indian Association is "to secure the abolition of child marriage and other social evils; to secure for women the vote for municipal and legislative councils on the same terms as it is or may be granted to men; to secure adequate representation of women on municipalities, Taluk and local boards, legislative councils and assemblies; to secure for women the right to vote and to be elected for the Council of State; to establish equality of rights and opportunities between men and women, to help women to realize that the future of India lies largely in their hands, for as wives and mothers they have the task of training, guiding and forming the character of the future rulers of India; to band women into groups for the purpose of self-development in education and for the definite service of others." Except one or two items in those which are purely political, the All-India Women's Conference sub-constituencies and the affiliated constituencies of the Indian Women's Association do definite work in villages. We go about from village to village holding meetings in large villages and collect women from several neighbouring villages. We do medical work as well as school work, we start classes, and we have men or women coming down to speak on various question of legislation such as doing away with the disabilities of inheritance laws, or widows, or divorce laws or the rights of widows and so on. Mr. Jayaker will know that he himself has been asked to address several meetings of this kind so that we do educative work as well as propaganda work in the villages.

*Chairman.*

C175. Now, Rajkumari, do you meet, as representing Women's Organisations, with much opposition in India from Indians?—We do from the orthodox section of India undoubtedly, or from what I might call the unintelligibly conservative section of India.

*Begum Shah Nawaz.*

C176. Have not you had many of these ladies presiding at some of your provincial conferences belonging to the

orthodox section?—May I say that we have no opposition from our women—no.

*Sir Hari Singh Gour.*

C177. Orthodox men do not oppose?—So far as the women's work is concerned, we have no opposition from the women, but we do have opposition in India from our men.

*Chairman.*

C178. Does that opposition take a very active form? Can you tell us anything about it?—Yes, undoubtedly. For instance, to take the Child Marriage Restraint Act; we would not have been able to pass it without the help of the Government.

C179. That is opposition policy which you favour. Can you say that there is any opposition to your organisation or to you in your endeavour to interest women in the franchise? Is there any counter-propaganda, let me put it that way?—No.

C180. I am only seeking information—I do not know?—I cannot say that there has been any counter-propaganda.

*Mr. J. C. C. Davidson.*

C181. There is nothing equivalent to what we had in this country—the anti-suffrage organisation?—No; certainly not. We have had no difficulty from our men as far as obtaining the vote is concerned. The opposition we meet with is when it comes to a question of remedial legislation; we get opposition from the orthodox and conservative section of the men in India.

*Mr. M. R. Jayaker.*

C182. In the legislatures?—Yes.

*Chairman.*] I shall reserve any further questions until I hear what my colleagues may wish to ask you.

*Miss Mary Pickford.*

C183. Rajkumari, you said there was no definite membership for the All-India Women's Conference?—Yes.

C184. There is no what one might call subscribing membership?—That is so.

C185. So that it is not possible to estimate the numbers behind that movement?—The numbers are so large that it really is impossible to estimate them.

C186. Does the same apply to the two other allied associations, or is there a definite membership there?—I think the National Council of Women in India has a membership; I am not certain about the Women's Indian Association. Mrs. Hamid Ali can qualify that. (Mrs. *Hamid Ali*.) We co-operate with the other

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Societies. There is no fee. (*Rajkumari Amrit Kaur*.) I think there is a fee for actual members in the large towns, but there is no bar to women attending those meetings.

C187. You cannot tell me the membership of the National Council of Women—the numbers?—I am afraid I have not got that.

C188. Perhaps you could look that up and put it on the Note afterwards?—(Mrs. *Hamid Ali*.) The National Council of Women in India have not a very large individual membership because they usually work in large towns. I have a paper here:—There is the Bengal Presidency Council of Women, which has 32 affiliated societies and one branch at Dacca and 250 individual members. The Bihar and Orissa Council of women has 3 branches, 5 affiliated societies and 380 individual members. The Bombay Presidency Women's Council has 2 branches, 27 affiliated societies and 500 individual members. The Women's Indian Association, which has a central organization in Madras, was started on May 8, 1917, and has grown and increased steadily ever since. It now has 72 Branches, 23 Centres and over 4,000 members and several affiliated foreign bodies. The Political policy of the Association is to work for Reforms through the Legislative Councils. The aims, ideals and work of the Association are on a religious but non-sectarian basis. The Association has connections with some of the important and influential foreign Women's Organizations whose aims and objects are for the material, moral, social and political advancement of women. Hence the Association is in touch with the organisation, work and progress of the Women's Movements all the world over. The Association has an influential and most active Committee at London carrying on propaganda work for the benefit of Indian Womanhood. May I point out that all the women's societies and associations working in a large town, say, for instance, in Calcutta or Bombay, have one woman member to represent them, so that these affiliated societies as a whole come on their association. It is impossible really to calculate how many members each Council has, because they have affiliated all the clubs, and working societies, and women's associations, to work, in that special unit. Say, for instance, in Bombay, they might have 50 affiliated

societies and all the members of those 50 affiliated societies are the members of the National Council of Women.

C189. The main object of the three associations was, first of all, educational work, and to that was added general social work affecting principally women and children and young persons?—(*Rajkumari Amrit Kaur*.) That is so.

C190. And two out of these three organisations in their foundation are precluded from taking part in political work?—Not political. We are pledged not to take part in party politics, but where it comes to political questions that affect the welfare of women and children, we are at full liberty to take part.

Begum *Shah Nawaz*.

C191. Like the franchise?—For instance like the franchise; that is termed political. Anything may be termed political; even remedial legislation may be termed political, but we are not barred from taking part in that. It is only party politics because we embrace women, to whatever party they may belong politically.

Miss *Mary Pickford*.

C192. Is it not the case that that definition of political work has been differently interpreted in different branches, and that some of the branches felt that the question of franchise was bound to come up against party political questions?—I think I must make that position quite clear. It was not any constituency or sub-constituency; what I mean is it was no body of any standing within the conference that did object to this. One or two isolated members did put forward the plea that perhaps we should not take up the question of franchise because it was a political thing. Last year at our annual session, this question was definitely thrashed out in open conference, and it was the opinion of everybody present that franchise came well within the realm of the work of the All-India Women's Conference. So far as the Women's Indian Association is concerned, they have, from the very beginning, taken up franchise. There is no bar to their taking it up, and I do not think the National Council of Women in India either have had any question as to whether they had a right to take it up or not.

C193. With regard to the question of franchise, I see you say in your supplementary statement that if women "are

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to possess the means of furthering the cause of economic, educational, social and medical reform" all of which are questions with which the Association are most intimately concerned?—Quite.

C194. "We consider it essential that as large a number of women as possible should be brought immediately on to the electoral roll so that our voice may be a determining factor." Therefore you stress the very great importance of having a franchise sufficiently large to bring pressure to bear not only upon the candidates who are standing for election, but also on the provincial councils of the legislative assembly?—Certainly.

C195. You favour, I think, the qualification which was recommended by the Indian Franchise Committee for Women, that is, the literacy qualification interpreted as meaning the ability to read and write?—Yes.

C196. Even though that was suggested as a differential qualification, you would support that?—We have in our memorandum, of course, recommended literacy for men and women, because we have not wanted to differentiate between men and women as far as possible. But if the administrative difficulty of numbers is going to be in the way of this qualification, we would be willing to accept the literacy qualification for women only, and have it as a differential qualification. We are very sorry about it, but there seems to be no way out of having differential qualification once we go away from what I shall call the basic principle of adult suffrage.

C197. Would it be fair to say that in essence there is not really so great a difference because it is easier for boys to attend a public school and get the necessary educational qualifications, whereas many girls and women, equally well-educated, have not got these certificates because they have been educated privately?—Without doubt it would be impossible for us women to produce examination certificates.

C198. And, therefore, it is more differential in outward appearance than in essence?—Yes. We must admit that because we are willing to accept it.

C199. With regard to the other suggestion of the Indian Franchise Committee, and also of the Simon Commission, of enfranchising wives, and widows, who as wives have been qualified, of men who hold a certain property qualification, I understand that your Association takes somewhat strong objection to that suggestion?—That is so.

C200. I notice in your memorandum you say "the women of India should not be enfranchised independently of any extraneous factor"—that is a double negative, as a matter of fact—"the women of India should be enfranchised independently of any extraneous factor"?—Yes; it is a misprint. Our meaning is clear.

C201. Yes; it is only because I have not read the whole paragraph. Do you think that marriage would generally be considered in India as an extraneous factor?—I can only put it to you this way. India is, of course, a land of universal marriage, but whenever we have held meetings, and these meetings have been very largely attended, and we have put to the women "Do you want the vote in your own right as women or would you be willing to accept it simply because you are married to a man who had the vote," the answer invariably has been "Why, because we are married, should not we have it in our own right; it is our birthright."

C202. Would it be fair to say, that the property, though held in the name of the man benefits the family as a whole, and that that is a strong argument for that property enfranchising both husband and wife?—In a country like India where women suffer under tremendous disabilities, where ownership of any property is concerned, I should certainly say that would not apply to the women of India. We are struggling to get our recognition of owning property in our own right.

C203. Another objection you take to this is that it would "double the vote of the landlords and capitalists—a section of the most conservative and orthodox members of society—who are, generally speaking, invariably opposed to all progressive reforms". You know, of course, that the suggestion is to enfranchise the wives and widows of those who are qualified to vote for the provincial council. Do you think the experience of the last 10 years would show that all those voters have been opposed to progressive reforms?—Of course, I can only speak generally, that it is, as a rule, the opposition from these property holders that we have to come against where any reforms are concerned.

C204. Are you distinguishing between property holders and others? I am speaking of those, all of whom are qualified to-day to speak for provincial councils?—Do you mean the ones who have the lower property qualifications? Do



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you include the lower property qualifications also—all property qualifications?

C205. I am including those who to-day are qualified to vote for provincial councils under the existing Constitution?—No; I cannot say that all have been opposed to reforms as far as we are concerned. I cannot say that.

C206. I think you said in answer to a previous question that even in the most orthodox, and, shall we say, ultra conservative section, although you had opposition to reforms in which you are interested from the men, you had never had any opposition from the women and, in fact, many of the women of this section of society are members of your organisations?—Yes. But I should like to qualify the position there. There is no doubt about it that if the women of those property holders who are conservative and are opposed to reforms are given the vote simply because they are married to these people, or are the widows of these people, there will be pressure brought to bear on them—there is no doubt about it—and though they are members of our organisations, and though they inwardly sympathise with us, it will be very difficult, or I may say impossible, for them to go against their husbands where the vote is concerned.

C207. That argument would apply whatever the franchise qualification might be?—No! because we have to take the psychological factor into consideration, and when a woman gets a vote in her own right, it is much easier for her to exercise it without any pressure from outside being brought to bear upon her.

*Chairman.*

C208. Is the suggestion that the secrecy of the Ballot would be of no avail in this regard?—I do not think so, because apart from anything else, if a husband were to say to his wife “I do not want you to vote”, she does not go at all. It is impossible to get away from that.

*Marquess of Lothian.*

C209. How is that affected by the process by which she gets on the roll? She is on the roll and has a vote in her own right. How is that affected?—Supposing she is not allowed to go to the polling-booth.

C210. That applies equally whether she has a vote in her own right or by virtue of marriage?—No; because, as I say, you must take into account the psychological factor there. That does make a difference. It may affect—I dare say it will—I am not going to say it will not

absolutely affect the vote where women are concerned, but it will make a difference to the strength of that vote.

*Miss Mary Pickford.*

C211. Is your suggestion that supposing the Franchise Committee's recommendations were adopted and a woman was qualified by literacy and she was also qualified as the wife of her husband, she would vote differently in one capacity from what she would in the other?—No; certainly not. I do not suggest that for a moment, but we accept the literacy qualification because, as I say, it does not make any conditions where the vote is concerned for that woman, but the other qualification distinctly denies to women their rightful position in the Constitution. That is my point. After all, we have to take risks where women are concerned, and a great many of them will be influenced, as I dare say a great many in England are to-day influenced, by their husbands. I am not going to say that that will not obtain, but we want to eliminate all pressure that may be brought to bear on them as far as we possibly can.

C212. Your alternative suggestion is that of having adult franchise in urban areas. Of course, if you are going to avoid a differential qualification, that would necessitate enfranchising both men and women in urban areas?—Yes.

C213. You do realise, of course, that that question was very carefully considered by the Franchise Committee and was rejected on a variety of grounds?—But may I suggest here that with the lower property qualification that is now going to be applied to men and the suggestion that labour ought to have adult suffrage in urban areas, men will practically have adult suffrage in urban areas and the numbers are not going to be increased to an enormous extent, whereas, as far as we women are concerned, it is going to make a very great difference.

C214. Then it comes to the point how you are going to define the urban area. I understood from Mrs. Hamid Ali that you wished to define the urban area so as to bring in a large amount of country districts?—(Mrs. Hamid Ali.) May I say that it was not my definition. It was the definition of the Indian Franchise Association.

*Sir Hari Singh Gour.*

C215. It was a question of defining areas such as Local Councils, District Councils, and so on?—I said that I have lived in these areas. I am speaking from personal knowledge. For instance, when



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I lived in Alibagh, which is known as an urban area, it had about 6,000 inhabitants, and 3,000 or 4,000 of those inhabitants came from the villages surrounding that urban district. It was only put together as a unit because they wanted to have a municipality there.

Miss Pickford.

C216. The point I want to put to you is this. It is recognised that only a certain number of votes can be polled satisfactorily for administrative reasons. If you get beyond that machinery you break down. May I put it that was one of the arguments for not extending the vote, for not having adult franchise. It was suggested by the Minority Report of the Indian Franchise Committee that adult franchise should be introduced only in large cities where in a sense it was administratively possible. If you enfranchise all the adults in large cities, then your urban areas are, very strictly, large towns and the large towns only, but if you extend your definition of urban areas to take in country districts then it is impossible to tell at present what additional numbers will be placed on the roll by that suggestion?—(Rajkumari Amrit Kaur.) We have reckoned a population of 14 millions in urban areas. I think that figure is from the Indian Franchise Committee's Report. The adult population in the urban areas is 14 millions, and we imagine that the adult women would be a population of between 5 and 6 millions. If the wives' and widows' vote is not ruled out, and this substituted for it, the question of numbers causing the administrative machinery to break down would not arise, because it is practically only a little more than what is suggested was a fair qualification.

C217. It is fair to say these figures are purely hypothetical seeing that the constituencies have not entered into the question?—The question of numbers has to be fixed sooner or later in a country like India where, alas, the population is increasing by leaps and bounds. In ten years we have increased by another 25 millions, and we shall have a more difficult problem to solve, and we must make a beginning somewhere. I do not think that these administrative difficulties are going to be so great—"where there is a will there is a way." In the urban areas in particular, where we want adult suffrage for women, the women's organisations will be at the entire disposal of the Government, and we shall help in every

way we can. I do not see that there will be that difficulty that is imagined. There will be far more difficulty from the administrative point of view in placing on the rolls the wives and widows. We shall have the most amazing difficulties placed before us as far as the wives and widows are concerned. In fact, *pari passu*, with the White Paper suggestion that these wives and widows should be enfranchised, statements have been made that, owing to the difficulties which are being put in their way, very many less will come on to the rolls.

C218. Would not you agree that the essence of representative government is that it should represent all sections of society?—Certainly it should, and that is why we still adhere to the adult franchise and say that any system based thereon should be the best system. But when that has been ruled out and we are forced to go back, and when you are going to give the women a limited franchise, we insist that it should be given to us where it is going to carry weight. So far as our women's questions are concerned, I may tell you that any remedial legislation, any social legislation, any educational legislation, any economic legislation, that we women may fight for, is going to affect women in the rural areas far more than it is going to affect the women in the urban areas. So that, as long as we get that vote, it does not matter the way we get it, but let us get it where it will carry weight. With wives' and widows' votes it is going to be spread over the length and breadth of India. In the eleven Provinces there will probably be less than half a million. Of those half million presumably nothing like those numbers will come on to the rolls. So that the women's vote is going to convey nothing. Absolutely it is going to be negligible so far as we are concerned. Therefore, we demand that it be given to us, so long as it is going to be on the basis of a restricted franchise, in the area where it is going to count. All our social reformers are in urban areas. All our women organisations and women workers are there, and we are going to get a more intelligent vote, a more independent vote, a better organised vote, and surely that means a very great deal to our organisations and to us women at this time.

C219. Is not it a logical corollary of your statement that you get as large a representation as you can in the areas which support your views but you exclude those areas which you fear may be hostile

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to your views—is that quite representative?—It is going to be as representative as possible in the circumstances, because I hold that the women in the urban areas who are going to vote are voicing the sentiments not only of women. We do not divide ourselves, wherever we go, into urban and rural, but we voice the sentiments of women as a whole. I would impress on you that, wherever the vote comes from, it is not going to be a rural vote or an urban vote. It is going to be a vote for the women of India and for all that the women of India are working to-day to get.

Sir *Hari Singh Gour*.

C220. Would not the women in the rural areas oppose your suggestion?—I do not think they will. That is why we have suggested the literacy qualification also, because we feel that will embrace a fair number—we cannot say the mass unfortunately, because the figures of illiteracy in education are so deplorable in India—but it will increase the number and give us a certain number of women in rural areas. As Mrs. Hamid Ali has pointed out, even in the urban constituencies we shall get a certain number of rural women on the roll. Our women who live in the urban areas have relations in the neighbouring villages, and they will have the vote. We are not going to have a great opposition from the women in the rural areas.

Miss *Pickford*.

C221. Is not it true to say that there are fewer schools in the rural areas and less opportunities for other services such as maternity, child welfare and so forth? Would it not, therefore, be of very great importance that the women's vote should be brought to bear on candidates standing for rural areas?—(Mrs. *Hamid Ali*.) But the constituencies can be formed in such a way that a large number of rural areas can be taken into that constituency.

C222. Those would be only such parts as adjoin a town or an urban district, but in the remoter country districts the need is surely much greater?—May I point out to you that all the work that has been done so far for education and for medical relief amongst the rural women has been done by the urban women's Associations—either individually or through the Associations as a whole. That is just why we want our vote to be effective, because really if we go round India and see the state in which the rural women live to-day, without any medical

aid, especially in matters of maternity or maternity homes or medical aid of any kind, then you would feel as intensely as we feel that something must be done to remedy this evil. The only way we can get money from the Provincial Government or influence the Provincial Government is to make our votes count. That is just the thing we are fighting for.

C223. Therefore, you want to bring pressure on the candidates and members of all the districts?—Of all the districts, and all the rural votes we want to capture.

C224. Yet you are opposed to a special reservation of seats for women?—(*Rajkumari Amrit Kaur*): Yes; if they are to be reserved, as we are told they are to be, on the communal basis, we are definitely opposed to that.

C225. On those grounds?—Yes, that is our objection throughout, because we realise they could not be reserved to us on any other basis, and, therefore, we object very strongly.

C226. You object to the suggestion of the election of the women members of the Federal Assembly by indirect election?—Yes, very strongly indeed. I do not understand why this differential qualification has been made between men and women. We are told in one breath that we do not want to make a differential qualification between men and women, and yet in this very important Assembly, where we want a strong vote and a strong representation of women, we are given an indirect vote without any chance of getting the right type of women and men; there is the communal difficulty.

C227. You realise that women will be elected by the whole Province?—When these Provinces are going to be hot-beds of communalism, I cannot see that the women who would be elected by these Provincial Councils will be representative.

C228. Have you any alternative suggestion?—Certainly. Why not direct election through joint electorates?

229. Direct election from what?—As far as the reservation of seats is concerned, we are opposed to the reservation of seats, so naturally we have not got any proposals for election to reserved seats, unless, I say, those reserved seats were definitely on a non-communal basis. We might then ask our organisations to consider the reservation of seats, but, as long as they are on a communal basis, we will not have anything to do with them.

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C230. I do not understand your suggestion about direct election?—Well, there could be special constituencies, could not there, or one multiple constituency for the election of women through joint electorates to those reserved seats, if they are to be reserved?

C231. Direct election from special constituencies?—Yes.

C232. But the women would be representative of that constituency and not of the Province?—Well, it is a choice of evils. It depends on how many seats you have. We do not think we should have enough representation, but still we would have to compromise on that and take it from one of the capital cities of the Province, or in any way that the Committee thought the most representative women could go, but certainly it should be on a system of joint electorates.

Mr. Davidson.

C233. In your memorandum under the heading of "Franchise and Representation," you say: "We are emphatic that the true spirit of reform, without which no national progress is possible, must in no wise be sacrificed at the altar of administrative inconveniences." You will admit, I suppose, that a breakdown in the initial election after the constitution was in operation would have a very serious effect upon the future constitutional progress of India—I mean if the machinery broke down at the first election?—My answer to that is that every precaution must be taken, and even more money spent, at the beginning, because, after all, the difficulties are going to be for the first electoral roll. Every precaution should be taken that the administrative machinery does not break down. What we feel, and have always felt, is that the administrative inconveniences have been magnified to a very great extent, and that they will not really loom so large as they are supposed to loom.

Mr. Butler.

C234. There are one of two points that you have raised that I should like to refer to. You first refer to the actual paper figure in the White Paper of the relation between men and women voters?—Yes.

C235. Are you aware that the actual gross figure is 1 to 4.8?—I saw that yesterday in the evidence that was given by the British Women's Organisations.

C236. And that in the case of the figure of 1 in 7 we are allowing for a considerable overlap?—I know, but from

the White Paper proposals, I would also say that the education test you are putting for the women, and for the women only, is going to eliminate very many more women than you have really reckoned for. The figures will be very much nearer 1 in 25 or 1 in 20, as we have said. I do not think it is fair to count them as 1 in 7. I do not think you have allowed enough for the overlap, as you call it.

Mr. Butler.

C237. 1 to 4.8 is the gross figure on paper and 1 in 7 is the net figure on paper. That is just allowing for the overlap of different qualifications without taking education into consideration.

Marquess of Lothian.

C238. May I ask Mr. Butler what he means exactly by overlap in the matter of qualification?—(Mr. Butler.) There are certain qualifications, property, wifehood and education. It is very likely that somebody who is qualified educationally will already be qualified with other qualifications.

Marquess of Lothian.

C239. You are not thinking of the people who might be put on and those who might not be put on?—(Mr. Butler.) No, I am thinking of the overlap of qualifications.

Marquess of Lothian.

C240. Then it would be 1 in 7—it is not possible to have 1 to 4.8?—(Mr. Butler.) No, it is almost impossible to calculate, but we were to count the overlap in the gross figure of 1 to 4.8.

Mr. Butler.

C241. May I say, under the educational calculations recommended by the White Paper, you are not going to get as large a number of women as I think you thought, because we are not able to produce those educational qualifications? That is going to be a very serious drawback. As I say, the majority of our women would be eliminated from voting, so I do not agree to that 1 in 7.

C242. Have you considered some of the administrative difficulties which Sir Malcolm Hailey described in his evidence in taking the electoral Roll?—Yes, I have.

C243. Would you think it would be worth taking the risk of prejudicing the women's cause by coming up against such difficulties as he described?—Might I suggest that these difficulties could be overcome. Speaking for my own Province, if the women who are in the

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Educational Department, for instance, who are District Inspectresses of Schools, if the women who are running the women's side of the Co-operative Societies, if the women who are working in the districts as lady health visitors, in addition to the women workers of our own organisations in the urban areas, were asked to help, I do not think these difficulties which Sir Malcolm Hailey has put forward would arise. The Government could always appoint special women also to help them. I do not think that the women will have any difficulty whatever in going to the villages and eliciting the names for preparing the register and electoral rolls.

C244. Have you any statistics of the number of women available, in your suggestion, to cover the whole of the villages?—I could not give you an actual number. I know that in my Province, my own district of Tallumdar, it comes in to the neighbouring district, and this lady, who is running the Co-operative side of the Women's Societies, would be able to do that part of the work for you in those areas.

C245. You are aware that we have had to prescribe a certain qualification for the men who were to do this work. Do you think that there will be sufficient women possessing such qualifications to do it?—I see no difficulty; I think there will be. I think that if an appeal is made to our Organisation and to the young girls of to-day who have just finished their university education or their school education, and who, perhaps, are looking out for jobs, they will be forthcoming. It is only, as I say, for the first electoral roll that it matters very much.

C246. That would actually be a lesser qualification than we are demanding for the men to do this work?—I do not think that would matter where women are concerned. We are told that the husbands will be willing to throw brickbats about the place—that danger, at any rate, will be eliminated.

C247. Mrs. Ali said that the men in some of the urban areas were to get practically adult suffrage. Could you substantiate that?—(Mrs. Hamid Ali.) Yes. They would get adult suffrage, but they would overlap, as you call it, because in municipal areas there is already adult franchise for men. They come under the property votes, and taxation and Income Tax, and in various other ways—graduates. I do not remember all the details, but I know that it is so.

that practically there is adult suffrage in urban areas for the men.

C248. Arising out of that, are you aware that on page 45 of the Franchise Committee Report, the highest percentage of the urban population is 22 per cent. and that in Madras 9 per cent. of the urban population was to be enfranchised?—But if you give the labour classes adult franchise, then it will practically be adult franchise.

C249. If you turn to page 102 of the Franchise Committee Report, paragraph 250, where it refers to the establishment of special labour constituencies, in making your calculation, would you not agree that these constituencies have not yet been delimited, and further that this Report refers to the fact that some of the major provinces are all prepared to agree to the establishment of one or more constituencies of this nature. I think you will agree that that cannot be said to be the equivalent of adult franchise or anything near it?—What does it matter if a few more men are enfranchised, because you have already acknowledged that the Government is prepared with this administrative machinery to increase the number of men from 9,000,000 to 36,000,000. Is it not so?

C250. I was only concerned to correct what I thought was a misapprehension about adult suffrage for men, because I think it is a slight exaggeration?—(Rajkumari Amrit Kaur.) Adult franchise in urban areas would not mean the same increase in the men's vote as it does in the women's vote. There will not really be a very substantial increase in the men's vote, whereas, it does make an enormous difference to the women's vote.

C251. I think that modification of the original is true?—Yes.

C252. There is only one other point. On page 4 of your first Memorandum, you refer to the Upper House, and you earnestly recommend that men and women should be equally eligible for membership of the Upper House. Is there anything in the White Paper which prevents men and women being equally eligible?—There is no mention of women at all. We should like it clearly defined. If we are wrong in assuming that women are equally eligible, of course, we withdraw that, but there is nothing in the White Paper to indicate that women are eligible. We would like a definite declaration upon that point.

C253. There is no positive assurance, but the fact is that there is nothing to

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stop them being eligible, nor is it intended in the White Paper?—I think we should like it made clear. (Mrs. *Hamid Ali*.) We know how it works in India when a thing is not definitely put down.

Mr. *Cocks*.

C254. Rajkumari Amrit Kaur, in the first instance, you want the recognition of sex equality and fundamental rights?—(Rajkumari Amrit Kaur.) Yes.

C255. The White Paper on that point says that His Majesty's Government is satisfied that "certain provisions of this kind, such, for instance, as the respect due to personal liberty and rights of property and the eligibility of all for public office, regardless of differences of caste, religion, etc., can appropriately, and should, find a place in the Constitution Act". I suppose you say that the question of sex is far too great a question to be covered by a little word like "etcetera"?—We would not object, if it were put in there, but we object that it has been deliberately left out, in spite of our repeated demands on this point. We would not object, if it had been put in there. As it had been omitted, we offered our own wording of the clause. As long as it is definitely understood that sex shall be no bar we are content. As we said: "sex shall be no bar in regard to any public employment, office, power or honour". As long as it is definitely understood we do not mind where it comes in, but we do object very very strongly to its omission.

C256. Do you suggest that it has been deliberately left out?—We have pressed this point for the last three years, and when the White Paper is framed, and it is left out, I do not know whether we are meant to understand it under the word "etcetera", but, if so, we would like it put in. I can come to no other conclusion except that it has been deliberately left out.

C257. Regarding the franchise, the test for literacy, you suggest is simple literacy?—Yes, ability to read and write.

C258. If the matriculation test were adopted, or anything like it, will that only enfranchise about 12,000 women in India, as was stated the other day?—I have not really got the figures before me, but I should be very much surprised if it enfranchise even 12,000 women.

Begum Shah Nawaz.

C259. May we have a reply to that question also from Mrs. Ali?—(Mrs. *Hamid Ali*.) The fact is that most of the

women in our organisations would have no vote at all. The Begum Shah Nawaz would be unenfranchised; so would I. I do not think the Rajkumari Amrit Kaur has any primary certificate. (Rajkumari Amrit Kaur.) I have not. (Mrs. *Hamid Ali*.) So that you need not trouble yourselves at all about the question of women's franchise in this Committee.

Mr. *Cocks*.

C260. Such a test would amount to a farce?—(Rajkumari Amrit Kaur.) Certainly, an unadulterated farce.

C261. I see that you accept the property qualification?—Yes, we have accepted it. It enfranchises, I think I am right in saying, about 2,000,000 women. We have accepted it on the same basis as it has been suggested for the men.

C262. But that would not enfranchise a very large number of women?—No, only about 2,000,000 altogether, I think.

C263. You object to the wife of a property holder having the vote?—Yes.

C264. Would you object to that, even if it meant that a good many women would be enfranchised, as a result of it?—We have put forward our other suggestion, in order to make up the disparity of numbers, the enfranchisement of women in urban areas, adult suffrage in urban areas. That makes up for the wives' and widows' vote, of numbers that it is sought to give us ostensibly on that qualification.

C265. You are assuming in your Memorandum that the adult suffrage is not at the moment practicable?—We have not assumed that it is not practicable.

C266. You are assuming that the majority of the Committee will possibly come to that conclusion?—I hope not. I hope we have been able to convince them that it is practicable and that it would be a very excellent method of enfranchising the women and giving us the requisite numbers.

C267. But assuming that adult suffrage is not accepted, would you still agree to disqualify the women on the grounds of marriage?—Our Organisations are not prepared to accept the wives' and widows' qualification.

C268. And you stand by that, even if it means disqualifying many women?—Yes, we have that mandate from our Organisations. We shall oppose it very strongly.

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[Continued.]

C269. Have you the Table that has been given in the Franchise Committee Report, on page 88, paragraph 217? There is a Table showing women with independent property qualifications, and women with husbands' property qualifications?—I should, of course, like to say that it would be a very sad thing if our proposal for adult suffrage is turned down, and we object to the wives' and widows' vote, that same other means cannot be found by the Committee in consonance with our principles and what we have throughout stood for, if some other means cannot be found in bringing that requisite number of women on to the electoral roll.

Begum Shah Nawaz.

C270. You will have no objection to any other feasible qualification which would give the women the vote, being found by the Committee?—Certainly not. When they say: "We will not have this", it is not fair to say to us: "If you do not want this, you will have nothing." It is scarcely fair, as I say, to offer us half a loaf, and tell us at the same time that it is stale.

Mr. Cocks.

C271. Even a stale loaf is better than none at all?—I disagree.

C272. Referring to that paragraph, you will see the numbers stated there. Take the question of Madras. You see that although 700,000, roughly, would be given the vote of independent property qualification about 700,000, holding it as the result of the husbands' property qualification, would be disqualified, if that qualification were removed?—Yes, I see that, but I have said before that in order to make up the numbers, we have definitely made what we consider is a very practical suggestion.

C273. Do you think it is really humiliating to have a vote because you are married?—Well, that is the feeling of the women of India; I do speak for the women. We have put that to them very very often, and very very strongly. I, myself, speaking for my own constituency actually asked them to accept it, and they said, no, literate and illiterate. As I say, we cannot altogether disregard the psychological factor when we women are struggling under very many disabilities and we are anxious to get rid of those disabilities and, therefore, we have got to change the mentality not only of our men, but also of our women, as well as of the Government. Therefore, we want

this recognition of our entity in the political body of India as women.

C274. But are you not getting that, if you get the vote through a literacy test on the same terms as men?—You are getting it on the same terms as men, but we are not getting it, because we are married to the men.

C275. The literacy test alone gives you that right by itself, does it not, those who have got the vote merely because they are literate?—You mean, that we ought not to object. We are not getting it everywhere simply because we happen to be married, or widows of men who hold the vote?

C276. My point is this. The idea, in my view, anyhow, of giving a vote to a woman because she is the wife of an elector who is qualified as the result of holding property, was merely to increase the women's franchise?—But please remember that in the case of a large majority of women sought to be enfranchised is going to be the man enfranchisement qualification for women, is it not, apart from our objection to it, the psychological objection, as we put it, we also say that it is going to double the vote of the landlords and the capitalists, in a large measure. Even if it does not, as Miss Pickford pointed out, in the case of all those who hold the property qualification, it is certainly going to double the vote in considerable measure for those who are going to be very much opposed to our reforms or the reforms we stand for. The third objection that we have (it is not only one objection) is that because it is going to be spread over the length and breadth of India, it is going to be very difficult for us to organise this vote, and we do want, in the first one or two elections, to be able to have an organised women's vote that is really going to count for us, and carry real weight, so there is more than one objection. We attach equal importance, as I have said to the quality as well as to the quantity of the women's vote.

C277. Why should it double the vote of the property holder, if, as you say, the probable result will be that the husband would say: "I do not want you to vote"?—He may force her to vote for what he stands for. The other position is equally possible. He either will say to her, "I would rather you did not vote," and, therefore, you do not have the vote at all, or else he might make her vote exactly as he wishes her to vote. It all depends.



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[Continued.]

C278. With reference to that second point, as the Lord Chairman put to you, there is the question of the secrecy of the ballot to be considered there. The husband does not know how his wife will vote?—I can only say that it will be very difficult.

C279. Mrs. Ali said on the same point that women objected to being considered a sort of property of some man. You disagree in that matter from the Report of the Lothian Committee when they said they considered that by marriage a woman enters into a partnership with her husband, which may well confer civic rights, as well as domestic duties?—(Mrs. *Hamid Ali*.) We have got domestic duties all right, but we have not yet got the civic rights. When we get them, I shall be able to answer that question.

Begum Shah Nawaz.

C280. May I put a supplementary question on this point? Was it not a fact that until very recently women in India have never been known by the names of their husbands or their fathers; that this is a vested custom which has only been very recently introduced in Eastern countries? They were always known by what you would call your Christian names, in India?—(Rajkumari Amrit Kaur.) Certainly, that is so, we never have had surnames in India.

Mr. Cocks.

C281. With regard to the indirect votes in the Assembly, you object to that. What it amounts to is that the women elected to the Assembly are elected by the Provincial Legislatures?—Yes, and, therefore, will not be representative of the Province.

C282. And that is the only reserved seat which is elected in that way?—The only one, yes. All are elected by direct election, but we are definitely given indirect election.

C283. As a matter of practice, therefore, does this not mean that the women who are elected to the Federal Assembly will be elected really by a large majority of men?—Yes, it does.

C284. The membership of the Provinces will be mainly men?—Yes, of course.

C285. And they will probably be elected on communal grounds?—Of course.

C286. Not on feminine grounds at all?—No, never on feminine grounds.

C287. Therefore, you think this matter is obviously unjust?—Of course, naturally.

C288. As to the Upper Chamber, how would you suggest that women should be elected there?—I think we originally

asked that it should be the single transferable vote, when we gave evidence before the Franchise Committee. I imagine that that is the proposal now in the White Paper, as far as seats in the Upper House are concerned. Am I right in concluding that?—(Sir *Hari Singh Gour*.) Yes.

Mr. Cocks.

C289. How many seats would you suggest?—Are we given any seats at all?

C290. No, not at present?—(Mrs. *Hamid Ali*.) Fifty-fifty.

C291. You have not any proposals to make about the number of seats which should be reserved for women?—(Rajkumari Amrit Kaur.) We should like as large a number as possible provided that they were for women as women, and on no other basis whatever.

Marquess of Lothian.

C292. Women elected by men and women, and not by women only?—Yes.

Mr. Cocks.

C293. The representative of the Indian Women's Committee for Franchise who gave evidence before this Committee suggested one or two for the Upper House?—We should be very dissatisfied with only one or two. We should want more.

Begum Shah Nawaz.

C294. Would you be satisfied if, out of the quota given to the Major Provinces (that is about five Provinces, I think, altogether), one seat is reserved?—How many seats would that mean altogether?

C295. That would be about five altogether?—Yes; that would be the minimum.

Mr. Cocks.

C296. Are you of opinion that the development of political consciousness in Indian women is one of the factors which is most likely to break down in the future the communal and caste distinctions?—Without doubt. We women are very conscious nationally, and we have never had the communal question in our ranks, and we are going to fight and see that we shall convert our men in the end to our way of thinking.

C297. This method is a developing method, is it?—Very rapidly indeed.

C298. Are you of the opinion that, generally speaking, the authors of the White Paper and the Members of the Round Table Conference, and so on, are attaching rather too much importance to the views of the Orthodox Indian Community?—Yes, I think they are; as



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[Continued.]

far as we women are concerned certainly.

C299. You think if they had the women on their side they could, I do not say defy the Orthodox people, but feel that they need not attach such an extreme importance to their views?—Of course not.

C300. You believe, therefore, that the development of the women's movement will make for the unity and strength of India in the future?—I have no doubt whatsoever on that point.

C301. Therefore those who wish to bring about the unity of India in the future should support the extension of the Women's Franchise?—Yes, and should support the representation of women on a non-communal basis, if it is really sought to help us.

C302. It has been sometimes said that women are the people who (I do not refer to India only) chiefly support the rule of the Orthodox religions. Is that so in India?—Undoubtedly they are religious, and the older generation of women are Orthodox, I cannot deny it; but I think you will find that there is a rapid advance in the outlook of women, and the younger generation can in no way be said to be Orthodox or Conservative, and, not only that, as I say, the women go even farther than the men do to-day.

Begum Shah Nawaz.

C303. What did you mean by the "younger generation", Rajkumari?—When I say the younger generation I suppose I ought to say between the ages of 20 and 30, but I would go further and say up to the ages of between 40 and 50 even, and only eliminate those who are between 60 and 70—I mean the really old people.

Mr. Cocks.

C304. You think it would be wise to look forward to the future of India rather than to the movements of the past?—That has been our standpoint to-day. We want a Constitution that is going to be for the good of the future generations, because we are responsible. It really does not matter at all for us personally to-day who are helping to frame the Constitution as to whether we are in Legislatures or in Councils or not. We have to build a Constitution that is going to carry through all right and do the best by the future generations.

Sir Hari Singh Gour.

C305. When you want the addition of the word "sex" to the fundamental rights on page 37 of the White Paper, I presume that the reason you want the word "sex" to be added is that you have got already the recognition of two facts, namely, disabilities incidental to caste and religion?—Quite so.

C306. But the disabilities due to sex are even greater than the disabilities due to caste and to religion?—Certainly.

C307. And when you categorise caste and religion as objects of non-discrimination, you want that sex, which has been the greater subject of discrimination in the past, and is the subject of discrimination at present, should be equally emphasised?—Certainly. As I say we want it to be definitely recognised that there shall be no bar on account of sex to women having their full and free rights of citizenship and opportunities of public service in India.

C308. Because you feel that on account of your sex you suffer from as much disability as, if not greater than, other people do on account of caste and religion?—Certainly.

C309. And when you wish to enumerate the disabling clauses in respect of which the fundamental rights are to operate, you want also that the women should be mentioned there?—It follows.

C310. You say that you are not in favour of the inclusion of a wife or a widow, *qua* wife or widow, under the Register. You want a woman to go on the register as woman *qua* woman in her own right?—That is so.

C311. It has been put to you what practical difference it will make if she goes on the Register either as a wife or widow, or in her own right as woman; but would not it in the latter case add to her moral strength when she feels that she is on the Register in her own right, and not as an appanage of her husband?—That is our point.

C312. It is for that reason that you want women's rights to be recognised because they are women?—Yes, that is one of the reasons.

C313. And not because they are appurtenant to some man?—Certainly.

C313A. The question that has been put to you is a question about administrative difficulties?—Yes.

C314. The Under-Secretary of State for India drew your attention to a trial electoral roll prepared by Sir Malcolm

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[Continued.]

Hailey in the United Provinces. That trial electoral roll was prepared through the existing agency of men in which the services of women were not utilised. Supposing you suggested that between now and the promulgation of the new Constitution in India similar electoral rolls might be prepared not only in the United Provinces but in the other Provinces in test areas with the co-operation of women, would not that be a fairer test to judge of the administrative difficulties, if any, which are likely to be encountered in the matter of bringing women on to the electoral register?—Not only would it be a fairer test, but it would eliminate those very administrative difficulties of which we have been talking.

C315. That is to say, you would then be able to say whether the administrative difficulties are really real, or whether they are not due to the fact that the test was made in circumstances which did not bring into play the full work that the women were capable of doing for their own sex?—Quite.

C316. And some forecast might be made as to the financial difficulties and as to whether they do or do not encounter any financial difficulties. It was suggested by Mr. Butler that the standard of the agency that was employed, if women were to be enlisted in preparing the electoral roll, would have to be lower. Is not the present standard the standard of Patwaris, or the village accountant in the village who gets on an average a salary of £1 a month. The Patwari is the man who prepares the register. Is not that the standard? How can it be lowered if women are employed for the purpose of helping in preparing the Register?—I understand they were contemplating having men of higher educational standards than the women that might be available, but if you are to compare the women to be employed for the help of registering the votes, naturally if they are to be compared with Patwaris their educational qualifications would be much higher than those of a Patwari.

C317. Yes?—I understood you to say you contemplated having men of perhaps even higher qualifications. I did not understand it was Patwaris.

Mr. Butler.] I think I can help by drawing attention to paragraph 24 of the Report. The differentiation is between the use of officials and non-officials, and the Franchise Committee at any rate came down against the use of non-

officials for the reasons which they set out in that paragraph. I think it might be difficult to find women officials of approximately the same status as the men who would be doing it.

Miss Pickford.

C318. Is not there a confusion of ideas here?—An effort might be made to find women who are non-officials and I believe that the official women also would be very, very willing to help.

Begum Shah Nawaz.

C319. What about the teachers, would they be called officials?

Miss Pickford.

C320. My Lord Chairman, I think there is a confusion of ideas here, because I understood that the Rajkumari's point was that women of education could be used in the preparation of the roll, and I think Mr. Butler is referring to polling arrangements.

Mr. Butler.

C321. Yes, that is quite correct?—You were referring to polling arrangements and not to the preparation of the rolls.

Miss Pickford.] Mr. Butler was referring to polling arrangements.

Mr. R. A. Butler.

C322. I thought you were referring to polling arrangements?—Sir Hari Singh Gour is not.

Sir Hari Singh Gour.

C323. No, and I do not think you were referring to polling arrangements?—No; I was really referring to the preparation of the electoral rolls because administrative difficulties have been put forward as far as the number of women to be enfranchised is concerned.

Mr. R. A. Butler.] The same considerations apply to both.

Sir Hari Singh Gour.] As a question about polling arrangements has been raised let us deal with the polling arrangements. As regards the polling arrangements, an objection has been taken; how are we going to make arrangements for the purdah women and, secondly, that there would be the difficulty of identifying them? Thirdly, if the women were to go on the electoral register without application by them, husbands will object that their wives have been put on this register. Those are the three main objections that have been raised?—Yes.

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[Continued.]

C324. Will you kindly deal with those three objections?—(Mrs. *Hamid Ali*.) May I answer the question? I suggest the English custom should be followed. They have a registration officer here and a revising barrister. Why could not the Government of India appoint special registration women officers? In almost all our presidency towns we now have women barristers, so for the first election at least these women can be pressed into service, either honorary service or paid service, as the case may be. (Rajkumari *Amrit Kaur*.) May I say something more? You said something about purdah being a bar to women coming to the polls. I should like to say that as far as the rural areas are concerned, purdah is practically non-existent, so the question does not arise as far as a large number of women voters are concerned; and in urban areas it only applies to a certain number, and purdah is rapidly breaking down in India also, and all that you want for the purdah women is a woman at the polling booths. That is all that is required; and possibly a separate entrance for the women.

Begum Shah *Nawaz*.

C325. Could you say something about polygamy also; what is your view? That is supposed to be also one of the objections to women becoming voters in large numbers—the difficulty arising from the fact of men having more than one wife.

Sir *Hari Singh Gour*.

C326. I will put that question. The question to which the Begum *Sahiba* adverted was an objection which is more theoretical now than practical because polygamy in the country is disappearing both amongst the Hindus and among the Muslims?—Yes.

C327. It is a discredited institution, but to such an extent as it does exist (there is some polygamy) the objection that has been raised is this: A man may have a plurality of wives, two or three wives, but how are you going to give the vote? Are you going to give the vote to all three, and how are you going to describe them? One answer is that one wife may be described as the wife of A, or that it should be given to one wife of A. That is one of the explanations given. Have you any observations to make on that subject? I think your answer is a very simple one; your answer is to eliminate—

Dr. *B. R. Ambedkar*.

C328. Let her answer. We want the witness's answer?—Will you reply, Mrs. *Ali*? (Mrs. *Hamid Ali*.) We would say, do not only give any such wife the right of voting, but take away the right of that man to vote if he has two or three wives.

Sir *Hari Singh Gour*.

C329. Apart from that heroic measure there is a simpler solution for the time being, having due regard to human infirmity, namely: you want it that the women should vote as women, not as wives?—(Rajkumari *Amrit Kaur*.) Yes.

C330. That does away with the objection about polygamy?—Yes, certainly.

Sir *Hari Singh Gour*.

C331. The next objection is really an objection that is also troubling me. That objection is this: There are certain Provinces and localities where men do not take the names of their wives and do not mention them in public. That feeling of delicacy does exist. It is disappearing, but it does exist. If the electioneering officers were to bring all women on the register without consulting the susceptibility of the husband, there might be objection on the part of the husband and there might be (it was said by one of the Honourable Members) an open revolt as in the North West Frontier Province. What is your experience and what is your comment?

Chairman.

C332. Before the witness answers, will you explain to me against whom the revolt would be led?

Sir *Hari Singh Gour*.] Against the man who goes to prepare the register. A man goes to prepare the register and says, "Give me the name of your wife; I want to bring her on the electoral roll." He will be subjected to shoe-beating. That is the suggestion.

Chairman.

C333. I understand the question now. May we have the answer?—As far as Muslim women are concerned, I do not think the difficulty arises at all. It may arise in the case of certain Hindu households, and there again, as I have said, if we had women rather than men to go round there would be really no difficulty in getting the names of these ladies.

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Dr. B. R. Ambedkar.

C334. Did you say there would be no difficulty about the Muhammadan households?—(Mrs. *Hamid Ali*.) The Mussulman never has an objection to taking his wife's names. As Sir Hari puts it, there is a certain feeling of delicacy, but I have never known any feeling of difficulty among Muslims to take their wives' names. It is true the women do not take their husband's name frequently, but they do it occasionally. (*Rajkumari Amrit Kaur*.) It is in Hindu households, where the husband may object to taking the wife's name.

Mr. M. R. Jayaker.

C335. Is it not a question of ceremonial etiquette?—Yes. There is not going to be any real difficulty.

C336. There are occasions when the husband takes the wife's name, and *vice versa*?—Yes, certainly there are. As I say, the difficulty would arise in a very small number of cases, and we must rid ourselves of this psychology of fear which hinders progress.

Marquess of Lothian.

C337. This is the most formidable objection which was raised, the illustration given by Sir Malcolm Hailey, and this does not apply only to wives. If it is a valid objection it will prevent almost any woman from getting on to the roll anywhere?—Exactly. We say that it is not a valid objection and that if the appointment of women is going effectually to solve that problem for us, if it did arise in a few cases, we must, as I say, banish all psychology of fear and go ahead if we want to make any progress at all.

Mr. M. R. Jayaker.

C338. Does not it happen now that when in the Courts of Law a woman is examined as a witness she mentions "So-and-So, the wife of So-and-So"?—Certainly she does. She names everybody. May I also say in the case when the census is taken what exactly happens? As far as I am concerned I know I write down my name, and I presume all the women in the villages have their names written down.

C339. Does it not come to this, after all, that in the orthodox Hindu house a woman in the presence of her elders will not mention the name of her husband?—Quite.

C340. It does not go beyond that?—It does not go beyond that.

Begum Shah Nawaz.

C341. Is it not a fact, Rajkumari, that Muslim wives, mothers and daughters, are inheriting property belonging to their fathers and husbands in all the Provinces, except in the Punjab, and also in the North West Frontier Province, and, therefore, their names are already on the register?—It is perfectly true.

Dr. B. R. Ambedkar.

C342. I thought the point of the question raised by Sir Hari Singh Gour was not whether there was some mental objection on the part of the Hindu husband or the Mahommedan husband to give utterance to the name of his wife. I thought the point of the question was Which one of the two, or any one, would object to the sort of enquiry that a registration officer will have to make?—I do not understand what sort of enquiry the registration officer will have to make.

Dr. B. R. Ambedkar.] It will be, "Have you a wife; if you have a wife, what is her name?"

Sir *Hari Singh Gour*.] And "How many wives have you got?"

Dr. B. R. Ambedkar.] Who would object to the sort of enquiry that will have to be made by the registration officer is the point of the question.

Marquess of Lothian.] "Is she over 21?"

Dr. B. R. Ambedkar.] That is the sort of question.

Chairman.

C343. The witness might care to interpose an answer now. Will you answer Dr. Ambedkar's suggestion, if you have any views?—Yes; I can only say that I do not think anybody will have any objection to a question like that. I cannot understand the mentality that even proffers a question of this nature. It seems to me wholly incomprehensible.

C344. Do you agree with that answer, Mrs. Hamid Ali? Do you agree that there will be no difficulty?—(Mrs. *Hamid Ali*.) I think it will depend on the way and the tone, in which a question like this is put. Ordinarily a question like that asked in good faith and with no evil intention would not be taken amiss by anybody at all.

Mr. M. R. Jayaker.

C345. Supposing the question was put by the enquiring officer in these terms, "The Government have decided to give a vote to wives. Your wife will have a vote. I have come to obtain the informa-

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tion. Are you married? What is the name of your wife? I am asking this because the Government have decided that a wife should have a vote." Supposing the enquiry was prefaced by such remarks, do you think there would be any resentment among Hindus and Mahomedans?—(*Rajkumari Amrit Kaur*.) Not at all. (*Mrs. Hamid Ali*.) I think if men went about making those enquiries there is a likelihood of people resenting it, but certainly not if a woman goes and asks these questions.

Dr. B. R. Ambedkar.

C346. I want to ask (*Mrs. Hamid Ali*) one more question. You come from Bombay. You know that there are certain distinct wards which are exclusively Musselman quarters. From your experience do you really think it is possible for an election officer to enter these wards and make these enquiries?—As far as Bombay is concerned, yes. I do not think anybody would take objection in Bombay, because in Bombay we have municipal elections so often and people are trained to this kind of thing.

C347. I have an opinion on the matter. I should think myself that it would be far easier to make an enquiry of this sort in a rural area than in urban areas? That is my opinion, for what it is worth?—(*Rajkumari Amrit Kaur*.) I do not hold that opinion.

Sir Hari Singh Gour.

C348. Is it not a fact that the real objection that is voiced by Dr. Ambedkar, and men of that kind, is to an idle enquiry; but if it is made known to the husband that the enquiry is directed in order to confer upon his wife a privilege, a civic right, and a valuable civic right, then there would be no objection?—None whatever.

C349. It depends for what purpose the enquiry is made?—Quite.

Mr. M. R. Jayaker.

C350. If it were an idle enquiry, it would be resented even in England?—Yes; everywhere.

Sir Hari Singh Gour.

C351. That enquiry may not be made by a man. It may be made through the instrumentality of a woman?—Yes; we have already suggested that women should be asked to help as far as possible and naturally we assume that any enquiry made by any man officer of the Govern-

ment would be made tactfully so that the question of resentment cannot arise.

Dr. B. R. Ambedkar.

C352. I have not exactly followed what is stated in this supplementary statement No. 56 in regard to the representation of women in the Federal Assembly. It is said "We have repeatedly urged that we do not desire the communal virus to enter into our united ranks." You see that the proposal of the White Paper so far as the representation of women in the Lower House is concerned is not by communal electorates, but is by a general electorate by a single transferable vote?—Yes.

C353. From that point of view I should have thought it could not be objected to on the ground of its being a communal electorate?—In the first place the seats in the Lower House of the Federal Assembly for Women are definitely to be on a communal basis. We have the Secretary of State's clear dictum on that point, in his evidence the day before yesterday or three days ago. In the Lower House of the Federal Assembly the reserved seats to which this indirect system of election refers are definitely to be on a communal basis.

Mr. M. R. Jayaker.

C354. Your objection is to the reservation of seats on the communal basis?—Yes; and further the indirect system of election to those seats by legislatures which must, in the very nature of the Constitution as proposed to-day, be on communal lines.

Miss Mary Pickford.] May I just interpose here? In the Secretary of State's reply when he said that the communal question was involved he was then referring to the women's seats on the Provincial Council of Bengal. It was not in reference to the seats in the legislative assembly.

Dr. B. R. Ambedkar.

C355. That is what I thought. If I may draw the attention of the witness to page 89 of the White Paper, Appendix II, I should have thought that that matter had been settled once and for all. You also refer to it. "Election to the women's seat in each of the provinces to which one is allocated will be by the Members of the Provincial Legislature voting by means of the single transferable vote"?—Yes; but my point is this. May I, then, know

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if the Secretary of State in answer to Miss Pickford's question was referring to reserved seats on a communal basis for the Provincial Council of Bengal. May I understand whether the communal question does not enter into the reserved seats for women in the Lower House? Are they to be reserved on a non-communal basis? I should like to be clear on this point. I want to know on what basis these seats are to be reserved.

Mr. R. A. Butler

C356. I think it is perfectly clear that the Councils as they are constituted would elect women representatives by the single transferable vote?—Yes; but Dr. Ambedkar raised the question as to why we think it should be on a communal basis, and we understood from the Secretary of State that, so far as reserved seats are concerned, the communal question does enter very definitely into it. Now Miss Pickford has said that the Secretary of State, when he made this remark, was referring only to seats reserved in the Bengal Council. I want to know: Are the seats that are definitely reserved for women in the Lower House of the Federal Assembly reserved on a non-communal basis, or reserved on a communal basis?

Marquess of Lothian.

C357. I think the answer is inherent in the two tables on pages 90 and 93 of the White Paper. They are non-communal for this reason that in the first place in certain provinces there is only one woman; in the second place if you compare the table marked "Muslim" or "Mahommedan" as the case may be, on page 90 and page 93, you will find in the case of Provincial Assemblies a certain number of seats are allotted to women on a communal basis. These things do not appear in Appendix II?—So that in the Federal Assembly, the reservation of seats is non-communal; that is to say, it will not matter, for instance, if there were nine seats there whether all the nine were filled by Mahommedans or Hindus. Am I to understand that?

Mr. R. A. Butler.

C358. That is why they are elected by provinces. There is no mention of the communal question in this Table?—But as far as the weightage in the Lower House is concerned, will those women's

seats go in 51 per cent. in proportion to the communities?

C359. They will go according to the result of the single transferable vote, but not by any prejudged communal decision?—Anyhow, our point is that the Provincial legislatures will elect them; they, at any rate, will be communal.

Mr M. R. Jayaker.

C360. If the election of the women members of the Federal Assembly is going to be by the provincial legislative council members on the principle of single transferable vote, do not you apprehend that the voting will go on communal lines?—That is exactly my point, that the indirect election is going to be by provinces.

C361. It will work on the same principle?—It will work on the same principle, apart from the fact that we object to indirect election.

C362. It will be on the same principle, if I may take it further, as the representation to the Upper Chamber of the Federal Legislative House, which you will remember, would be by the members of the Provincial Legislative Council, by a single transferable vote. The Government expect by that method a sufficient number of Musselmen will come into the Upper Legislative Chamber?—Certainly, and we object to this.

Dr. B. R. Ambedkar.

C363. Let me follow this further, because, to my mind, there is a certain amount of confusion, and I should like to get it cleared up. First of all, do you object to indirect election as such?—Yes.

C364. You do?—Yes.

C365. That is one objection?—Yes.

C366. You do not want the women representatives who are to represent women in the Federal Lower House to be elected by indirect election from the Provincial Legislative Council?—Most definitely not.

C367. You want some sort of a direct constituency provided?—As we are against reserved seats, if they are reserved for us on a communal basis, of course, really this question as far as we are concerned does not arise, but we would, of course, want women to enter—

C368. Let me put a question first to clear the ground. Do you want any seats to be reserved for women at all in the Lower House?—I have said that we would recommend for the time being until such time as adult suffrage is obtained through our organisations, the acceptance



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of reservation, provided it were definitely laid down that the women's seats would be on a non-communal basis, and through the means of joint electorates. That is the only condition on which we would accept it.

C369 I quite follow two things. You want for the time being a certain number of seats reserved for women?—We have always been opposed to reservation.

C370 The second thing I have understood from you—correct me if I am wrong—is that you do not want that provision for the representation of women in the Federal Lower House by any system of indirect election. That is the second point you have made?—Yes

C371. What I want to ask you is that . . . ?—You say we want reservation, I have told you we have always been opposed to reservation.

C372. You do not want any reservation at all?—We have always said that we do not want reservation, but, as I say, if reservations are to be forced down on us as so many things have been forced down on us against our wishes, then the only conditions on which we would recommend the acceptance of reservation to our organisations would be definitely that they would be through a system of joint electorates and direct election, and if the seats were on a purely non-communal basis, that is to say, that we have the right to put on women of our choice.

C373. If the matter were left to your choice, you would not want any earmarking of seats for women as such in the Federal Lower House?—Certainly not.

C374. If it is to be, then you would want it on a system of joint electorate and direct election?—Yes; direct election and a non-communal basis.

C375. Let me take the non-communal basis. Do you want this constituency for direction election to consist only of women in that particular constituency?—No; we want men and women.

Dr. B. R. Ambedkar.

C376. You want this constituency to be a sort of composite constituency, in which the voters will be both men and women?—Yes.

C377. With this restriction that the candidate to be ultimately elected from that constituency would be a woman?—Yes; that is to say, if a woman was to be elected to a reserved seat, it would naturally follow that it must be a woman.

C378. How would you provide these direct constituencies for the Legislative Assembly?—As I say we have not got any constructive proposals on this because

we have throughout been opposed to reservation. We would leave that to the discretion of the Committee, but if reservation were given to us, on the terms and the only terms on which we would accept it, we would leave it to the discretion of the Committee to form such constituencies as would be the most representative.

C379. I thought you said in answer to a question that you objected to this indirect system of election provided in the White Paper for the representation of women in the Lower House of the Federal Legislature, because, in a certain sense, it would be, what shall I say, communally-minded?—Yes.

C380. That the representatives in the various provincial councils would act in a communal manner in the exercise of their votes, and that is the ground of your objection?—I have already answered this question, have I not?

C381. Yes. I want to put one more question. Further, I see, and I want to get this matter clear, that you object to the indirect election that is proposed in the White Paper because you think that the representatives of the different communities in the provincial legislature will be communally-minded, and, therefore, communal considerations will be imported in that election?—May I give you the answer again. We object to indirect election, first of all, because naturally we want direct election.

C382. Yes. I follow that?—That is the first objection. The second objection is that when this indirect election for us is proposed through the Provincial Councils, those Provincial Councils which are going to be on communal lines will naturally bring that communal question again to the women that they elect.

Dr. B. R. Ambedkar.] That is true, but I want to put a further question. I quite understand your objection that to have different representatives of the different communities in the Provincial Legislative Council would import a material consideration in the election of women.

Mr. M. R. Jayaker.

C383. That is only one of your objections to the indirect election, but I understand there is another objection also on the ground that the election is indirect?—I have said so more than once.

Dr. B. R. Ambedkar.

C384. The question is this. Take, for instance, your direct constituency, any constituency that you may like to take,



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for instance the City of Bombay. You will have in that constituency, which you would desire to be specially designed for the election of a woman representative in the Lower House, electorates of both men and women drawn from different communities?—Yes.

C385. Do you mean to suggest that those voters who would take part in the election of a woman representative would be less communally minded than the representatives of those larger communities in the Provincial Legislative Council who would be participating in the election of a woman candidate on the indirect basis?—Without doubt, because the communal question exists far more among the type which goes into the Legislature than it does among the masses of the people.

C386. But I want to draw your attention to this fact, that these very electorates will be electing the men who will be the voters for the indirect election?—It may be so, but when it is a question of joint electorates and we are going to get the votes of joint electorates, the communal question will not exist there—it cannot exist—to the same extent that it does in a Provincial Council which has been elected by separate electorates and where the communal question is alive and must be very much alive.

C387. Do you think that in the general electorate the men and women in India do not act in a communal manner?—Certainly not in the general mass.

C388. Have you ever seen a poll going on?—Yes. We have had a very recent example in the case of one of the women members of our organisation who topped the poll in Bombay with the joint electorates, and practically no women at all but all men: the Depressed Classes and everyone voting and she topped the poll. That is in a municipal election. Then there was not only her but another lady, and we have had examples in elections in Universities in Putna where women have been elected by men, and no difficulty on the communal question has arisen.

C389. When the point is whether a woman will be elected, no doubt the communal feeling will be less in a direct election than it will be in an indirect election?—Certainly. Whenever the indirect election is going to be by means of the Council, it is going to be permeated by communalism.

Mr. M. R. Jayaker.

C390. Am I right in saying that there has been a great awakening among Indian women in the last quarter of a

century?—There can be no two questions about that.

C391. This awakening is not confined to urban areas nor even to Reform circles, but it is increasing generally?—Throughout the length and breadth of India. I may say, speaking from my own humble experience, that I find the village women almost more keen to come and listen to me than the urban women in my own constituency.

C392. I take it that you agree with my view that it has been recently felt that the whole department of a woman's life, including their marital state, the law of inheritance, conjugal rights and so on, require modification in the light of modern conditions?—Without doubt.

C393. You and the leaders of this movement feel that this reform is not likely to come unless women have a vote?—Without doubt.

C394. You also feel, I take it, that the reform will be in the Legislatures by legislative enactments?—Again without doubt.

C395. Have you considered the question, if the men members were not compelled to seek the women's votes, whether purely out of altruistic motives or generous impulses, women can expect any large measure of reform in the Legislatures?—I think undoubtedly the women's vote where men are concerned would have a great bearing on Reform. We would get very much more help from those men that we have returned and who feel that they have been returned by women's votes—it is going to make a great difference.

C396. You think it is going to make a great difference if the candidate has to go and beg women for their votes?—Yes.

C397. What ratio would you like to work up to—what is your ultimate ideal of ratio with men's votes?—I do not follow you there.

C398. What proportion would you like to work up to—how many men, to how many women?—According to our own proposals we have said one to four—that is the minimum, one to four or one to five.

C399. That is your present demand?—That is the minimum, but, ultimately, certainly half and half.

C400. Would you mention any minimum period in which you would like to work up to that ratio?—Certainly I would like to envisage adult franchise in India after a period of two elections.

C401. In 10 years?—Ten or 15 years at the most.

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C402. You would like to work up to that ratio?—Yes, if we are really meaning to progress.

C403. Would you tell us the present condition of the women's vote? Are they voters in all the Provinces?—No, they are not.

C404. How many Provincial Councils are there in which women sit as members elected?—I do not think there are any, so far as I know. I do not think a woman can sit as an elected member on any Council.

Miss Pickford.

C405. I did not quite hear whether you said they do or that they can but have not done so?—They can.

Begum Shah Nawaz.] In all the Provinces they can.

Dr. B. R. Ambedkar.

C406. In those Councils where they have actually been members I understand it has been by nomination?—Yes, there is no such thing as election.

Sir Hari Singh Gour.

C407. To the Legislative Assembly they have never been nominated so far?—Never.

Dr. B. R. Ambedkar.

C408. Is there a disqualification?—I think not. (Mrs. Hamed Ali.) May I point out in connection with this that it is very lately that the Provinces have done away with the disqualification—it has been done very, very recently; in some Provinces so recently that they have scarcely had time for another election since the disqualification was done away with.

Mr. M. R. Jayaker.

C409. I will ask a few questions on the communal matter. On that I suppose the views you express are shared by Mrs. Hamid Ali?—(Rajkumari Amrit Kaur.) Yes.

C410. May I take it that the members of your women's Associations are drawn from women generally?—Yes.

C411. Membership is not in terms of Hindu or Mahomedan?—No; we do not think in terms of Hindu.

C412. Do any of the women's representative organisations ask for reservation on the communal basis for the Provincial Legislatures?—Not one.

C413. When it was announced did they protest against it?—Yes, most strongly did they protest.

C414. Did any women's organisation support that reservation, so far as you are aware?—Not one that I know of.

C415. I suppose you regarded it as a retrograde move?—Of course.

C416. Why did you regard it as a retrograde move?—Because there is no hope for our country as long as the spirit of communalism is allowed to remain and is encouraged.

C417. You think that the communal virus would be introduced into regions where it does not exist at the present moment?—Yes, without doubt.

C418. Have you considered the question whether any question is likely to come up in the Central or Provincial Legislatures on which the voting would be Muslim women against Hindu women?—I cannot envisage it now, but what I mean is this. If women go in there, as I said in my preliminary remarks, what ever the religion or caste that they belong to, they would work for women as a whole; that is to say, when any remedial legislation for women comes before the Legislature the Hindu women support it to the *nth* and *vice versa*, but if we are sent into the Legislatures on the communal basis a position may arise when the Mahomedan woman or the Hindu woman out of loyalty to her community may be asked to refrain from voting on a question which she considers vital to the interests of the womanhood of India because she may be going against her particular community. Do you understand me? It is going to cramp us enormously in our work in these very Legislatures.

C419. May I take it you apprehend that, if this system were ultimately adopted, a woman's loyalty is likely to be divided between the claims of her sex and the claims of her community?—(Mrs. Hamid Ali) May I answer this question? In the present circumstances, if we are given this communal electorate, this separate electorate, and not a joint electorate, the woman who would be natural-minded would refrain from going into the Councils or the Assemblies and the only women who would go would be women of the communal type who would be the tame women, and the men would be able to do anything they like with them, and they will vote on the communal basis.

C420. Supposing you had two Mahomedan women, one communal and another one a little more national and temperate-minded: which, if this process were to be ultimately adopted, do

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you think is likely to be elected?—(Rajkumari Amrit Kaur.) Naturally, the communally-minded woman, but she will not be elected on the women's vote, please remember.

C421. May I ask you another question? I want to ask you about the proposal that women who come in through the door of their husband's property should apply. Supposing that was insisted on, what do you think would be the result on the strength of the women's vote?—It would diminish their voting strength enormously.

C422. May I ask your attention to the White Paper, Appendices IV and V, the introductory note under the heading of "Franchise"? I do not know whether you have the same copy?—We have the Indian edition—I have what you are referring to now.

C423 I am asking your attention to the close of paragraph 3 in those Appendices which deals with the women's vote: "The proportion of women to men in the electorate will depend upon the number of women who are actually registered under the qualifications in question. There are practical difficulties in placing on returning officers the whole responsibility for registration of those qualifications. But his Majesty's Government are very anxious to secure that the proportion of women electors should be adequate and further consideration of the above arrangements may be necessary." You would very strongly desire the reconsideration of this question in the light of the comments which you have made?—Of course.

C424. Do you agree with the view expressed in the memorandum submitted to the Joint Select Committee by the British Committee for Indian Women's Franchise, from which I will just read one sentence to you: "If the Joint Select Committee sincerely desire to satisfy the legitimate expectations raised among the women of India and of Great Britain by its repeated declarations," which are mentioned in this document—"we feel that means of surmounting the administrative difficulties can and will be found." Do you share those sentiments?—Absolutely.

C425. You are speaking as a representative of all your Associations when you make that remark?—Certainly.

C426. Do you agree with that?—(Mrs. Hamid Ali.) Certainly I do.

C427. Then a word about the wife and widow. I know that you are opposed to this method of securing the franchise, but

have you been able to find out what is the opinion of women on this point who can come in only as wives and widows and not through the door of an educational or property qualification?—(Rajkumari Amrit Kaur.) When we have had meetings and have had this question put to women—they are illiterate women, very poor women, whose husbands probably would have no property for qualification—they have all said: "We want it. Please get it for us in our own right." That is a very definite feeling amongst them. As I say, they all press for adult suffrage, and adult suffrage, in my opinion, is preferable.

C428. Do I understand you to say—correct me if I am wrong—that those women whose sole chance of coming in as voters is as wife or widow would agree to forfeit this right?—I think, if I might say so, if it was put to them, they would say "Yes."

C429. Is it not the case that the women who are against this vote are voters on some other principle like educational qualifications?—No, because, as you will see from the proposals to enfranchise women, the large majority of the women proposed to be brought on the electoral roll will be from the wives and widows—is not that so?

C430. The last question I wish to ask you is this. You would have no objection to reserved seats, I imagine, if the communal basis were removed from it?—Well, as I say, our organisations have throughout been against reservation, but if the communal taint were removed, I think that we would certainly tolerate it.

Sir Hari Singh Gour.

C431. You would tolerate it?—I am speaking now personally. We, as elected representatives of this organisation, would have to put this question to them. I recommend reservation for the time being, provided that it was through joint electorates and on a non-communal basis. I think we would certainly recommend the acceptance of that with, like all our alternative proposals, a limitation for a definite period of years.

Mr. M. R. Jayaker.

C432. You are making two conditions: first there should be an automatic time limit beyond which it shall not endure?—Yes.

C433. And, secondly, that it shall be on a joint electorate basis?—Yes, and non-communal.

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C434. On a joint electorate basis?—Yes, a joint electorate and reserved without any proportion in the Councils on the communal ratio.

C435. So far as your voting is concerned in your organisations—and several instances must have come up as a matter of voting—do you recall any instance where the voting has gone on the lines of Hindu women against Mohammedan women?—Never, never.

Begum Shah Nawaz.

C436 My Lord Chairman, I do not think I have many questions to put to the witnesses after all the replies that they have given to the many questions that have been put to them this morning, but I would like just to ask them two or three questions. Rajkumari Amrit Kaur, would I be right in concluding from your evidence that whatever are the qualifications which ultimately the Joint Select Committee will accept for women voters, if those qualifications give you the vote in your individual right, the Women's Associations will be prepared to accept them?—Certainly, because we want the full quota; but as I say, we do lay great stress on the numbers as well as on the quality of the vote, and the fact that it should be given to us in our inherent right.

C437. Do I understand aright that the minimum number of women voters acceptable to you, both for the Provincial as well as for the Central Assemblies, is that recommended by the Lothian Committee?—The very minimum.

C438. Adult suffrage not having been accepted, and if the women are to have the votes under different qualifications, do you not think that your Women's Organisations would be well advised to think twice before they refused reserved seats?—I told you that we would be willing to accept reserved seats on the conditions that I have already laid down.

C439. Realising that when the fight between the different communities in certain provinces was over one or two seats here and there, and that reservation of seats might mean their division being on communal lines, most of the Women's Organisations did not ask for reservation of seats; is that not so?—Of course.

C440. In the absence of a settlement between the two major communities, would it be right for you to say that almost all the Muslim women within these organisations would ask for these seats to be on non-communal lines?—

Certainly; the Muslim women, in the Punjab, for instance. I can say I have never had any Muslim women in the Punjab asking for reserved seats on communal lines. (Mrs. Hamid Ali.) I have not yet come across any Association which has sent any Resolution asking for any reserved seats on the communal basis.

C441. Is it not a fact that they have not asked for any reserved seats?—Yes.

C442. But if there are to be reservations, do you think that all the Muslim women in all these Provinces would agree to their having them on a non-communal basis in the absence of a settlement between the two communities?—The great majority of them. (Rajkumari Amrit Kaur.) Speaking for our Organisations, where we have a system of election, the question of Hindu and Muslim has never cropped up, and we invariably do have numbers of Muslim women working for us and elected by us. I do not think that our Muslim women Members of our Organisation will have no objection.

C443. My point is this, Rajkumari, that the women of India, as united Indians, demand the number of seats being reserved for them, but when it comes to the question of these reserved seats being accepted by His Majesty's Government and when there has been no settlement between the two major communities, do you think that all the Muslim women in your Organisation will agree to having them divided on a non-communal basis?—They will not agree to having them on a communal basis. They would certainly agree to what our Organisations have invariably stood for.

C444. Have not some of your constituencies differed on that point?—No; no constituencies have differed.

C445. What about the Karachi constituency?—Only three members of that constituency.

C446. And some of the Members of your Standing Committee as well, I understand?—On our Standing Committee, apart from yourself, was there any other Member who differed?—I do not think so; I have not had any information on that point.

C447. Supposing you were to ask some of these Muslim women, especially in some of the Provinces where Muslims are in the majority, like the Punjab and Sind, for instance, to decide the question on its merits, that in the absence of a settlement between two communities, if there are to be reserved seats, would they

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accept them on the basis of joint electorates, do you think the majority of them would agree with you?—I still think they would agree with us. May I give you a small instance of my own constituency which is 90 per cent Muhammadan? A question of membership, of having two women members on the local municipality came up, and, as you know, women members of a municipality can only be nominated and the Commissioner has the right to nominate them. I put it to a very large meeting at which there were, I think, about 1,500 women present also from the villages and the surrounding suburbs, and the town of Jullundur, practically all Muslims—I said to them that the Commissioner has the power, if there were two women willing to stand for the municipality, one Hindu and one Muhammadan, would they be good enough to elect those two from amongst themselves, so that I might submit the names to him. The answer that came without one moment's thought was: "Why should the Commissioner nominate them? Why should we not nominate them?" The second is: "We do not want to send one Hindu and one Muhammadan. Why should we eliminate you because you are not a Muhammadan or a Hindu." This is from a very important constituency in the Punjab, and this is the spirit that does animate the women of India to-day.

C448. Is it not a fact that both the Muslim women of your Standing Committee from the Punjab dissented from it?—Miss Feroze Uddin's opinion is not on record. As far as I know, yours is.

C449. Of course, I do not wish to press the point any further. All I wanted to say was that my experience has been something quite different, because most of these Muslim women have said to me that their husbands would never let them go to the men members of the opposite community for votes, when they themselves were not prepared to go in the absence of a settlement?—(Mrs. Hamid Ali.) But that proves the point that the men are communal-minded.

C450. Yes, I agree?—(Rajkumari Amrit Kaur.) Therefore, why make the women communal-minded?—(Mrs. Hamid Ali.) The same thing happened to me in another district where we were asked to send in the names of two women for municipal and school Committee work, and our Hindu women there suggested the names of non-Hindu women, because they thought they were the fittest to go in.

C451. I quite agree that one happy feature of the women's movement has

been this, that there has been no communal feeling, as far as the women of India are concerned, but do you not think that when His Majesty's Government has been forced to give an award, those who wished to work for any change in the system of electorates would be well advised to do it in India, rather than over here?—(Rajkumari Amrit Kaur.) Certainly we should work in India, but, at the very beginning of a Constitution, we object to being forced into a room into which we have never wished to enter. You say the decision has been forced upon His Majesty's Government. By whom? By the men—only the men who were here at the Round Table Conference—not by a large section of the men in India, apart from those who came to the Joint Select Committee or the Round Table Conference, and certainly never by the women of India.

Mr. M. R. Jayaker.

C452. Do I understand you to say that you apprehend that the happy relations now existing between Hindu and Muslim women would be destroyed gradually if this virus were introduced?—Certainly, gradually. We still feel that our Muhammadan and Hindu sisters will rise above it. But you must admit there must be a danger. It will make concerted action on our part more difficult in the future, and we do want concerted action. That is why we have had such inordinate success in the women's movement in India. If you are going to destroy that for us now, I might say all the nationally-minded women of India—and there are a great number of Muslim women who are nationally-minded—will be discontented. From the conservative Muhammadan centre of Lucknow the last wire I had from one of our members was: "Do not co-operate with the Committee that is forcing us into communalism."

Begum Shah Nawaz.

C453. My point is this; is not the field open to us in India itself to bring about a settlement between the different communities?—My answer to you is that the field is invariably open, but our task is going to be made much more difficult, if here and now, by the White Paper, we are forced into accepting conditions which run contrary to those very measures which you wish to work for just as much as I do, I hope.

C454. You would agree with me, would you not, that if there are to be reserved seats, we should have them in all the

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Provincial Legislatures as well as in the two Central Assemblies?—Yes. As I have said before, I have not been able to understand the logic of the White Paper proposals, because of the extraordinary way in which they vary from Province to Province. I do not understand it at all.

C455. Would you tell the Committee something about your constituency in Peshawar and the North-West Frontier?—Yes. We have only recently had formed a constituency of the All-India Women's Conference in Peshawar, and we are shortly to have one in Abbotabad as well; that is in the Frontier Province. The last thing these women said to me at Lucknow last winter was: "If you are to go to give evidence before the Joint Select Committee, never give up adult franchise or any system based thereon, because if we find in the Frontier we do not get adult suffrage, we are not going to come into the picture at all, and we are very anxious to have our full strength in the future Constitution."

Marquess of Lothian.

C456. Rajkumari, a very few questions. I am afraid we have already tested you to the maximum, but I know your capacity, from my own experience in Lahore. First of all, on the point of the application, the estimate of the Franchise Committee was that the number of wives who would be qualified on the property qualification was just over 4,000,000?—Yes.

C457. I do not know whether you read Sir Tej Saprú's analysis of the reasons why women would be reluctant to apply to be put on the electoral roll?—I am afraid I have not been able to read them in detail; I have just glanced over them.

C458. Supposing the application condition is maintained, what sort of proportion of those 4,000,000 women would, in practice, be likely actually to apply to be put on the roll—that is, probably a year before the election takes place?—I should be very much surprised if, out of those 4,000,000, even 1,000,000 applied—very surprised, indeed. I should be tempted to put it at even a lower figure than that.

C459. Then would you turn to your supplementary statement, section (B). Am I right in thinking that your suggestion for putting women on the roll for the Assembly is that you should take the women qualified in their own property right for the Provincial Assembly and make them the voters for the Assembly.

Is that what it means?—Yes. We have said this in the case of the women qualified under the literacy as well as under the property qualification, because we felt it would be administratively so much easier to have just the one roll; and, in the second place, it would give us a stronger women's vote for the Federal Assembly, which is going to be the main House for all that we want done in India.

C460. That is the Assembly in which, under the Government proposals, women will have only one vote in 20?—Yes.

C461. Would you just tell us why you think the Assembly is the main Assembly, from the point of view of the women's case?—I think it is going to be in this Assembly that all Bills for educational reform, for social reform, for the removal of our legal disabilities, which will be All-India questions, are going to come forward.

C462. Surely, education and the greater part of ordinary social reform will be a Provincial matter, will it not?—No; I think when it comes to the removal of disabilities under which women suffer, legal or otherwise, it must come before the All-India Legislature.

C463. At any rate, the opinion of your Associations is that women's questions will figure very prominently?—Yes, very prominently; that is what we feel, and we do want a stronger women's vote for the Members returned to that House, men or women.

C464. Just one question on the so-called wives' qualification. You have no objection in itself to property being a qualification for a woman being put on the roll?—Property in her own right, no.

C465. Supposing the qualification for what is called the wives' vote was modified, so that the property itself qualified either a man or a woman, or, in the event of her being married, both—in other words, that the woman was qualified in her own right by reason of the fact of the property qualification, would you feel that there would be the same psychological objection?—No, not quite the same. (Mrs. Hamid Ali.) May I ask, would a man be qualified on his wife's property to vote also?

C466. I was going on to ask you that, whether if you added that, such husbands as were not qualified by their own property, but whose wives were qualified, and were on the roll, would not that remove a good deal of your objection?—Only one part of our objection, not a great deal. (Rajkumari Amrit Kaur.) We have other objections as well.



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C467. On that particular point, would that not moderate your feelings, a bit?—No, because, after all, the husbands who would be enfranchised on the wives' qualification would be so few in number.

Sir *Hari Singh Gour*.

C467A You would regard it as a sop?—Yes; we should really regard it as a sop.

Marquess of *Lothian*.

C468. My last question is this. You have stressed the importance that you attach to having adult franchise in the towns, because a certain number of persons would be returned to the Legislature by men and women voting in, more or less, equal numbers?—Yes.

C468A. I think you have estimated that that would cover about 14 per cent. of the seats? Is that correct?—We said that the adult population in towns was 14,000,000.

C469. It does not matter for the purpose of my argument. I think most people who have contested elections would say, that if you wanted to get women's questions considered by a Legislature, you would have very much more effect if all the Members of the Legislature, when fighting their elections, had to take into account a considerable number of women voters. With the suffrages, both sides would be anxious to get in in order to win, and, therefore, would have to consider the matter as of interest to those women voters, and you would bring women's questions far more formidably before the Legislature where every candidate had to pay a consideration to the women's vote than if only a small proportion had to pay rather more attention, because there were more women voters in their constituency. Have you any answer to that?—Yes, because, as I say—I think we have put it in our supplementary statement—that these four and a quarter millions who are to be enfranchised under the proposals of the wives' and widows'

vote will be scattered over the length and breadth of India, and in the eleven Provinces there will probably be less than half a million in each, and a certain number of those will also be in the urban areas, so that this vote is not going to be strong enough to count and to carry any real weight. Therefore, we have suggested, only as long as we do not get this adult franchise, that we should be given the vote in an area, even though it covers a small area, and even though it will affect a smaller number of men and women who are returned to the Legislatures; at any rate, let us have them in large numbers and, through them, influence the other members. That is our answer to it.

C470. You prefer a small number of members who are intensely responsive to the women's vote than to have a large number of voters who are less responsive?—Yes, but my point is, that if we could make our voice really heard amongst the larger number, we will accept it. Therefore, I say, if in addition to constituencies in urban areas, you are willing to give us some franchise in the rural areas, we will accept at once, but give us the quality of the vote, as well as the quantity.

*Chairman*.

C471. Subject to your approval, Rajesumari, I propose to make arrangements for you to make a statement before the main Committee. May I assume that that course is agreeable to you?—Yes; but does that mean that the statement will be all that we do before the Main Committee? Will there be no opportunity for those Members who have not been able to hear us to-day, to cross-examine us?

[*Chairman*.] The Committee, when the statement is made, must decide that for itself. Under the House of Lords procedure, it rests with the Committee itself, and I am not entitled to give you any view at all.

(After a short adjournment.)

Mrs. P. K. SEN and Mrs. L. MUKERJI are called in and examined.

*Chairman*.

C472. Mrs. P. K. Sen and Mrs. L. Mukerji, you are here on behalf of the Mahila Samiti Ladies' Association?—(Mrs. Sen.) Yes, that is so.

C473. And you have provided the Committee with Memoranda numbered 41, 42 and 43?—Yes, that is so.

The Memoranda are as follows:—



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[Continued.]

## MEMORANDUM 41 BY MRS. P. K. SEN ON THE FRANCHISE OF WOMEN.

The women of Bengal strongly protest against the reduction of the voting strength of women in the new constitution proposed by the White Paper as compared to the voting strength suggested by the Indian Franchise Committee.

The following memorandum stresses the minimum voting strength which will satisfy the women of Bengal and which they regard as a preliminary stage towards eventual adult suffrage.

## THE PROVINCIAL LEGISLATURES.

1. In the memorandum submitted by the women of Bengal to the members of the Indian Franchise Committee the proposal of the Statutory Commission to enfranchise the wives and widows of men entitled to vote under a property qualification was approved, and it was also proposed that an indirect group system of voting, for the rest of the adult women population, should be adopted. If both the proposals had been accepted, about 30 per cent. of adult women would have been enfranchised.

2. The Indian Franchise Committee's proposals, if adopted, would have enfranchised only 10 per cent. of adult women but 43 per cent. of adult men, giving a voting ratio of one woman to roughly  $4\frac{1}{2}$  men.

3. The proposals of the White Paper now cut down that ratio to one woman to seven men, and in practice the ratio will be still less, since it is proposed to make women apply to be put on the electoral roll.

4. The women of Bengal advocated simple literacy as a qualification for the franchise of women over 21 years of age. This qualification was accepted by the Indian Franchise Committee and forms part of their proposals.

5. We are therefore dismayed to find in the White Paper that the educational qualification recommended for Bengal is the matriculation or school-leaving certificate (Appendix V, p. 106). So high a qualification would enfranchise a fair number of men but an insignificant number of women.

6. We desire to urge most strongly that simple literacy as a qualification for women should be restored, since it would enable women who have been educated at home to become voters. Further, it would serve as a stimulus to adult edu-

cation, and would automatically increase women's voting strength as time goes on, without new legislation.

7. The provision that women should be required to make application to be entered on the electoral roll would inevitably reduce very considerably the potential number of women voters. It is therefore essential that this provision should be deleted. We do not see the difficulty in placing the wife's name on the Register at the same time as that of the husband. It would be far easier to get the particulars required from the homes than for women to make special application to the Returning Officer.

8. In the event, however, of its being found unavoidably necessary to retain this provision, it is submitted that the number of women voters thus lost must be made good by some other means, *e.g.* by extending the husband's property qualification to wives of all propertied voters, and not merely to the wives of men possessing the higher property qualifications at present prescribed for the Provincial Councils. If this is not done women will fail to secure any appreciable representation.

9. We approve the wife's vote on the husband's qualification both because of its convenience and because it enfranchises women in rural as well as in urban areas. If for any reason it should be considered impossible, it would be necessary to substitute some other qualifications which would bring up the voting strength to the requisite number. For this purpose we should be prepared to accept an alternative qualification, if it could be shown that the total number of women enfranchised would be *not less* than that proposed by the Indian Franchise Committee.

## THE FEDERAL LEGISLATURE.

10. The proposals of the White Paper admittedly leave the ratio of women to men electors the same as at present for the Legislative Assembly, on the ground of administrative difficulties and of objections to a differential franchise based on education (p. 12, par. 21). The ratio is about one woman to 20 men. Yet it is expressly stated that "His Majesty's Government are very anxious to secure that the proportion of women electors should be adequate." (p. 94.)

11. In view of the very small proportion of women enfranchised under the

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[Continued.]

White Paper proposals, and the importance to women of subjects like marriage and inheritance dealt with by the Federal Legislature, we would urge that, in spite of administrative difficulties, some arrangement to increase the number of women is necessary. If it is found to be impossible to carry out the recommendations of the Franchise Committee, we suggest that the roll of women voters for the Provincial Councils, on the husband's property qualification, might also be used for the Federal Legislature.

#### THE UPPER CHAMBER.

12. For the Upper Chamber, qualifications should be such as to secure the eligibility of a considerable number of women.

#### FUNDAMENTAL RIGHTS.

13. The political status of the women of India should be dealt with in the Bill for the new Constitution and should not be decided subsequently by the Provincial Governments or Legislatures.

14. On the principle that men and women should have fundamentally the

same rights and duties as citizens there should be a clause in the new Constitution clearly providing that the rights of women as citizens shall not be denied or abridged in any manner whatsoever on account of sex.

#### ELECTORATES.

15. It is a matter of deep regret to the women of India, who have always been free from communal differences, that they should be compelled to record their votes in separate electorates. Our women should be able to seek election, for the seats reserved for them, without consideration of the creed or community to which they belong.

#### CONCLUSION.

In conclusion we would emphatically urge that it is absolutely necessary that women should be given an effective voice in questions of government which vitally affect their welfare, and that they cannot accept any smaller proportion of voters than the 6,600,000 which the Lothian Committee has recommended.

### MEMORANDUM 42. ON THE STATUS OF WOMEN UNDER THE NEW INDIAN CONSTITUTION, HANDED IN BY MRS. P. K. SEN.

We desire to present this memorandum to you and to request you to give special consideration to the points raised in it as the matter concerns the welfare of nearly half the population of India.

#### *Civil rights and duties of women.*

2. In the first place, we wish to urge that a clause should be inserted in the new constitution safeguarding women from disabilities imposed on them as women in the exercise of civic rights. Sex should be no disqualification for serving India and *men and women should have fundamentally the same rights and duties as citizens.*

#### *Franchise.*

3. We are also keenly interested in the franchise qualifications for women and we earnestly hope that this matter will receive very careful consideration by the Committee, and that such qualifications may be prescribed for women as will give them their due share in electing representatives to the legislatures. We desire to place a few important points on this subject before you.

#### *Present position of women with regard to franchise.*

4. The present franchise given on equal terms to men and women, and based mainly on property, produces in actual practice, a very great discrepancy between them in voting power, as the number of women voters is at present wholly inadequate when compared to the total population of women. Statistics show that while the proportion of men voters is 10 per cent. of the total adult male population the proportion of women voters is only .6 per cent. of the total adult female population. We would emphasise the fact that adult franchise would provide a solution of this disparity between men and women voters, but if there is no hope of immediate adult franchise in any form, *we wish to point out, that as a temporary measure and until adult franchise is obtained, special qualifications for women will be required to increase their voting strength and make it a real factor in elections.*

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*Methods for giving women an adequate voting strength.*

5. Certain proposals have been put forward for these special qualifications for women:

(1) The Indian Statutory Commission recommended:—

(a) being the wife, over 25 years of age, of a man who has the property qualification to vote.

(b) being a widow, over 25 years of age, whose husband at the time of his death was so qualified.

(2) The women delegates at the Round Table Conference in 1930 supported this proposal with the modification that the age should be the same as that for men, i.e., 21 and not 25 years.

(3) The Franchise Sub-Committee of that Conference (1930) agreed that special qualifications should be prescribed for women and recommended that the expert Franchise Committee should devote particular attention to this question in the light of the evidence available and of the proposal made by the women delegates.

(4) The Indian Franchise Committee in 1932 recommended for the Provincial Legislatures that, for both men and women, the property qualification should be substantially lowered, and that there should also be an education qualification. Recognising however that, in the case of women, "theoretic equality under a restricted franchise means in practice extreme inequality," they proposed that, in the case of men, the educational qualification should be the passing of the Upper Primary Standard, or an equivalent test; in the case of women, simple literacy. They also proposed another special qualification for women, viz., being the wife of a man possessing a specified voting qualification or the widow qualified under this provision during her husband's lifetime.

Under these proposals the Committee estimated the number of women who would be qualified to vote under each heading as:

|                                      |     |     |           |
|--------------------------------------|-----|-----|-----------|
| (a) Own property qualification       | ... | ... | 1,929,000 |
| (b) Literacy                         | ... | ..  | 1,265,000 |
| (c) Husband's property qualification | ... | ... | 4,306,000 |

But as there would be some overlapping between these voters, the total estimate as likely to be enfranchised was approximately 6,620,000.

*Views of the Third Round Table Conference on Provincial Franchise.*

6. We are glad to note from the Report of the third Round Table Conference of 1932 that "the general feeling" of the Conference was in favour of the proposed literacy standard for women, though some members would have preferred the same standard for both men and women. The Report further records that there was a very general difference of opinion concerning the proposal to enfranchise the wives of men qualified by property to vote for the present Provincial Councils.

We would in reply point out that this proposal of the Franchise Committee is in fact a very cautious one, and it would enfranchise considerably fewer women than the corresponding proposal by the Indian Statutory Commission. If even this moderate proposal of the Franchise Committee is dropped, the effect will be to reduce the number of women voters by more than half. Again, if the Upper Primary Standard be substituted for literacy, the effect will be to increase the disparity between men and women voters as statistics prove that *even now more boys than girls attend schools and pass tests or examinations, and there was a still greater difference in their numbers when the adults of to-day were boys and girls.*

*The White Paper Proposals—Provincial Franchise.*

7. Under the White Paper proposals the franchise in general for provincial legislatures will be essentially based on property supplemented by an educational qualification, common to men and women alike, and by a qualification for women in respect of property held by the husband. These educational qualifications as defined in Appendix V of the White Paper would vary considerably in the different Provinces, e.g., in Madras the educational qualification for both men and women would be literacy (ability to read or write in any language), in Bombay, Bengal, Bihar and Orissa, and Central Provinces, the passing of the Matriculation or School Leaving Certificate or its equivalent, in the United Provinces, Punjab and Assam "the completion of the educational course immediately below the Upper Primary Stage or its equivalent" and in the North-West Frontier Province, "in urban areas, the passing of the Middle School Examination; in rural areas, of the Upper Primary Standard; or of an examination

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accepted by the Local Government as the equivalent of either."

Under a qualification based on a public examination very few women will come on the register, particularly in Provinces, where education among women is still very backward, and where the majority of even the few educated women have, because of social custom, never been to schools, or passed examinations. It is extremely unlikely that any adult women if literate, would be allowed by social custom to sit for a public educational examination, of however low a standard, so that women already educated at home will not be qualified to vote, because they have not passed a public examination. We have no doubt therefore that if the Government proposals are adopted the proportion of women to men voters will be far lower even than the Government estimate of 17 and the women's vote will continue to be a negligible factor in elections in those Provinces where an educational qualification higher than bare literacy, is prescribed for women.

*Franchise for the Federal Assembly—  
Proposals of the Indian Franchise  
Committee.*

8. With regard to the franchise for the Assembly, the Indian Franchise Committee recommended that it should be the same for both men and women as that now in force for the Provincial Councils, supplemented by an educational qualification for both men and women. They suggested that in the case of men the educational qualification should be the possession of the Matriculation or School Leaving Certificate or its equivalent. In the case of women they stated that as education has made much less progress among them, the names of all women entered on the new Provincial Council rolls under the literacy qualification should be added to the Assembly roll. They added, however, that this proviso should apply only to the first roll of election to the Assembly, and that thereafter while the names of all these women would be retained, the qualification for the additional new women electors should be the Upper Primary Standard. They expected that under these proposals, the number of women on the electoral roll for the first Assembly would be about 1,500,000 in a total electorate of about 8,500,000.

In our opinion the Committee's proposals for women's franchise are quite inadequate and we would urge that the

*franchise for the future Provincial Assemblies and for the Federal Assembly should be the same.*

*Views of the Third Round Table Conference on Franchise for the Federal Assembly.*

9. In its chapter on the Federal Legislature, the Report of the Third Round Table Conference states that "the conference accepted generally the proposal that the franchise for the British Indian section of the future Assembly shall be the existing franchise for the Provincial Legislative Councils"—"the conference was unable to agree as regards the adoption of an educational qualification for women voters for the Federal Assembly, the same arguments as were advanced for and against the proposal in the case of the Provincial legislatures holding good in their view here also". We, too, would repeat our replies to those arguments given in para. 6 above when urging that the same special qualification of literacy should be prescribed for women for the Federal Assembly franchise also.

*Franchise for the Federal Assembly  
recommended by the White Paper.*

10. The franchise for the House of Assembly under the British Government's proposals will be for practical purposes the existing franchise for the present Provincial Legislatures supplemented by an educational qualification common to both men and women. The White Paper further states in para. 21 that "the ratio of women to men electors for the Federal Assembly will for practical purposes remain unchanged under the present proposals, although the number of women electors will be substantially increased", but it gives no figures to explain how the Government arrived at this conclusion. Under the new property qualification for the Assembly proposed by the White Paper, which is the same as that now in force for the Provincial Legislatures, the proportion of women to men voters will certainly not be higher than under the existing Assembly qualification, as both are based on property held in the voter's own right. To this property qualification for the Assembly franchise, the White Paper proposes to add an educational qualification of the Matriculation or School Final Certificate common to men and women. For reasons which we have already explained, it is obvious that far more men than women will be qualified for the franchise under

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this high educational qualification. The franchise (1932) Committee's Report (para. 409) points out that even if the Upper Primary qualification were adopted, the "number of women on the electoral roll for the Federal Assembly will be very small." The proposal of the White Paper to prescribe an educational qualification of such a high standard as the Matriculation or S. S. L. C. examination, for both men and women, will of course reduce the number of women voters for the Assembly far below the number who would be qualified were the Upper Primary qualification prescribed, and we would point out that the number of women electors who would be qualified under even this Upper Primary qualification was considered inadequate by the Franchise Committee unless this qualification was modified by the special temporary literacy qualification for women proposed by them. *The educational qualification proposed by the White Paper will therefore surely lower the ratio of women to men electors below even its present inadequate figure.*

*Effect of the New Regulation on Women's Vote.*

11. The White Paper further modifies the proposals of the Franchise Committee by adding a proviso that for both the Assembly and the Provincial Council electoral rolls the claimants in respect of an educational qualification or of property held by a husband will be required to make an application to be entered on the electoral roll to the Returning Officer. The Franchise Committee suggested this condition only in the case of women who were not recorded as literate in the educational records, and not of all women who would be qualified under these two special qualifications. There is no doubt that the only possible effect of this proviso must be a lowering of the number of women voters, for certain social disabilities such as purdah, seclusion, etc., under which many Indian women still labour, makes this condition much more difficult for them to fulfil than for men. We would urge therefore that this condition should not be prescribed for women and that the recommendation of the Franchise Committee on this point should be adopted as being fair and reasonable. If, however, this rule is insisted upon, we would urge that to compensate for the probability of a smaller number of women coming on the roll, the husband's property qualifications should be extended to the wives of all men qualified under the

property qualification, instead of merely to the wives of men possessing the property qualifications prescribed at present for the Provincial Councils.

*Importance of adequate Women's Vote for the Federal Assembly.*

12. There is one other point which we should like to emphasise. As the Federal Assembly will deal with many questions which are of particular concern to Indian women and on which the views of men and women may differ, it is essential that the members of the House of Assembly should be responsive to a large women's vote if the views of women are to have a fair chance of influencing legislation on these subjects. In view therefore of the legislative importance of the Federal Assembly to women *we would repeat that women voters for that Assembly should have the same qualifications of literacy and of the husband's property qualification as recommended for them by the Indian Franchise Committee for the Provincial Assemblies.*

*The British Government anxious that the proportion of Women Electors should be adequate.*

13. We are glad that the British Government have stated that they fully appreciate the importance of a large women's electorate and are very anxious to secure that the proportion of women electors should be adequate, and admit that further consideration of the subject may be necessary. We do most earnestly hope that the Joint Select Committee will bear this in mind, and will carefully consider the arguments we have urged for the necessity of enlarging the women's electorate both in the Provincial and in the Central Legislatures. We hope that on consideration of these arguments they will modify the Government's proposals so as to enable women to have a share in the electorate more in proportion to their number and their importance to the country.

*Opinion of Women in India.*

14. We are aware that certain women's organisations in India have in the past put forward objections to special voting qualifications for women; but these objections have invariably been coupled with a demand for a full and real equality of citizenship rights with men, through some form of adult franchise, directly or through groups. It would be most unfair to interpret these objections as implying that organised women in India are indifferent to their voting strength, or

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would be satisfied with a mere paper equality, resulting under a restricted franchise in an almost negligible proportion of votes. The Report of the Indian Franchise Committee shows that many of the women witnesses who gave evidence before the Committee, some of them speaking on behalf of other important organisations, anticipated that immediate adult franchise might not prove practicable, and definitely supported the qualification of literacy and of the husband's ownership of property which were subsequently recommended.

We are also aware that it has been suggested by some women that the women's electorate can be enlarged by enfranchising all women of 21 years and over, living in urban areas. We wish to state that we have no objection to the adoption of this scheme as a means of further increasing the number of women voters recommended by the Indian Franchise Committee, but we are opposed to substituting this proposal for the proposal of the Indian Franchise Committee to enfranchise the wife of a man possessing a specified property qualification, as we are sure that such a substitution will result in an unequal and unfair distribution of voting power between women in urban and in rural areas. Under the literacy qualification, far more women will come on the roll in urban than in rural areas, as education is undoubtedly more advanced in towns than in villages, and this new proposal to have adult franchise for women in urban areas, will further increase the disparity in numbers between the women voters in urban and rural areas. The women in villages are in many respects less advanced than the women in urban areas, and they specially need the stimulating effect of the franchise to awaken in them a full sense of civic responsibility. The vote therefore is of far greater importance and value to them, in educating them and in raising their status generally, than it is to the women in the urban areas. We have therefore no doubt that the substitution of this proposal for the special qualification proposed by the Indian Franchise Committee will cause grave injustice to many millions of women and retard the progress of women's advancement in our villages. Many of us, signatories of this memorandum, have lived in rural areas and are well acquainted with the conditions prevailing there and we feel it would be grossly unfair to deprive the

women in rural areas of their rightful share in the franchise and its educational and other advantages. For these reasons we strongly urge that the proposal of the Indian Franchise Committee to prescribe a special qualification for married women on husband's property qualification should not be abandoned.

#### *The Federal Upper Chamber.*

15. With regard to the Upper Chamber of the Federal Legislature no proposals have been made for ensuring that women will be eligible for election to this chamber. The White Paper states that "since the British Indian seats in the Upper Chamber of the Federal legislatures will be filled by indirect election by the Provincial legislatures, no question of franchise qualifications arises, though certain specific property or other qualifications will be required in members of the Upper House". (para. 20, page 6.) Under the present qualifications for election to the Council of State the number of women who would be qualified to stand is infinitesimal, and we would urge that if these qualifications are to be continued for the new Federal Upper Chamber, some modification in them should be made for women candidates.

In this connection it is illuminating to note that in spite of a strong demand from women, the Council of State has not yet extended the right to vote or stand for election, even to those few women who possess these high qualifications. As practical experience on legislative measures affecting women has also shown that this body is reactionary in its attitude to women, we are naturally anxious that the qualifications to serve on this body should be modified as to make it possible for an adequate number of women to be eligible for election.

#### *Summary of our Recommendations.*

16. We would summarise our demands by urging with all the force at our command, that if the Joint Select Committee finds itself unable to recommend any form of adult suffrage, it may at least not ask the women of India to be satisfied with anything less than the measure of franchise rights for the Provincial Assemblies recommended for them in the Report of the Indian Franchise Committee of 1932; and because of the special legislative importance of the Federal Assembly to women we would urge that the women's electorate for that body should not be less than a third of

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the total electorate. We are convinced that nothing less than this measure of franchise will be fair or just to the women in India, considering their numbers and importance in the country.

*Conclusion.*

17. In conclusion we would respectfully urge that the consideration of the question of women's franchise be not postponed or left to be dealt with by the Central and Provincial Governments or legislatures at some future and uncertain date. We request that the claims of women be examined at the same time as those of the rest of India and before the Bill for the new Indian Constitution be finally drafted and presented to Parliament.

Signed by the following—

- Mrs. H. S. Hensman, M.A., Hon. Presy. Magistrate, Member, Madras University Senate, Ag President, Y.W.C.A., Vice-President, Women Graduates Union.
- Miss Mariam Oommen, M.A., Ph.D., Professor of Chemistry, Women's Christian College, Madras.
- Miss Eleanor McDougall, M.A., D Litt., Principal, Women's Christian College, Madras.
- Mrs. Krishna Menon, c/o Dr. Krishna Menon, Salem.
- Miss D. J. Stephens, St. Andrews House, Kilpauk, Madras.
- Mrs. D. Brito, Landholder, Mangalore.
- Mrs. N. Rama Rao, Shivabagh, Mangalore.
- Zamindari, Goundampalyam, Salem Dt.
- Mrs. A. J. Lobo, Hon. Presy. Magistrate, San Thome, Madras.
- Mrs. Saraswati Achar, M.B.B.S., D.G.O., Hon. Asst. Surgeon, Headquarters Hospital, Tanjore.
- Mrs. Gurunatham Chettiar, c/o D. K. Gurunatham Chettiar, B.A., President, Taluk Board, Dharmapuri.
- Shrimati B. Leelavathi Bai, c/o B. N. Shenoy, B.A., B.E., Asst. Engineer, Saleem.
- Shrimati S. Apputhan Ammal, c/o V. Swamidoss, Headmaster, Board High School, Dharmapuri.
- Shrimati S. Rajamani Ammal, Board Girls' School, Dharmapuri.
- Shrimati T. Shantha Devi Garu, D.M.O.'s Bungalow, Cocanada.
- Shrimati R. Rajaratnam Ammal, Board Girls' School, Dharmapuri.
- Shrimati V. Venkataramamma Garu, Secretary, Ladies' Recreation Club, Cocanada.
- Shrimati Kalyanammal, c/o P. R. Sundara Aiyar, Vakil Dharmapuri.
- Shrimati K. Kanthamma Garu, Komireddi House, Cocanada.
- Shrimati Sukirtha Amma Garu, c/o D. B. Rajamanickam, Medical Practitioner, Dharmapuri.
- Shrimati M. S. Mahalakshmi Amma Garu, Zamindari, Riverside, Cocanada.
- Shrimati Krishnaveni Garu, c/o V. P. Krishnaswami, B.A., B.L., Vakil, Dharmapuri.
- Shrimati P. Sayamma Garu, Komireddi House, Cocanada.
- Shrimati Indira Bai, c/o A. Krishnamoorthy, Vakil, Dharmapuri.
- Shrimati Krishnavenamma, Hon. Magistrate, First Class Bench, Cocanada.
- Shrimati V. Samboornam Ammal, Board Girls' School, Dharmapuri.
- Shrimati D. Krishnakumari Garu, c/o Dewan Bahadur D. Sheshagiri Rao, Cocanada.
- Shrimati V. Rajamani Ammal, Hindu Girls' School, Dharmapuri.
- Shrimati M. Kamalammal, Zamindari, Riverside, Cocanada.
- Shrimati Indu Idgungi Ammal, c/o D. N. Kumtha, Agent, Bellary.
- Shrimati Andalamma, c/o K. Srinivasachari, Bellary.
- Shrimati K. Janakiamma, Bellary.
- Mrs. P. Sushila Bai, c/o P. S. Ragunatha Row Ayl., B.A., B.L., Advocate, Bellary.
- Shrimati K. Kamalammal, Bellary.
- Shrimati W. Saradamba Garu, Undavalli House, Cocanada.
- Shrimati G. V. Kamalamani Ammal, Digumurthivaru Street, Cocanada.
- Mrs. K. Kaliaswami Ammal, c/o K. K. Swamy, Retd. Sub-Judge, Cocanada.
- Shrimati P. Venkayammal, c/o P. Bhadrachari, Dt. Educational Officer, Cocanada.
- Shrimati T. Satyavathi Ammal, Gandhi Nagar, Cocanada.
- Shrimati C. Kamalamma Garu, Judges Bungalow, Cocanada.
- Shrimati T. Pushpalatha Amma Garu, Ramarowpet, Cocanada.
- Mrs. A. Palmer, Elwinpet, Cocanada.
- Shrimati T. Ramadevi Ammal, Ramarowpet, Cocanada.
- Mrs. E. Peacock, Gandhi Nagar, Cocanada.
- Mrs. N. L. Subba Rao, Member, District Educational Council and Municipal Council, Vice-President, Mahila Sabha and Vice-President, Depressed Classes Mission, Mangalore.



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- Miss C. R. Giddie, Gandhi Nagar, Cocanada.
- Miss Jean Begg, General Secretary, National Y.W.C.A., Calcutta
- Mrs. K. Gopal Rao, c/o Gopal Rao, Asst. Surgeon, Chingleput.
- C/o T. Sivakkolundu Mudahar, Avl., Advocate, Chingleput.
- Mrs. M. S. Vadder, Chingleput.
- Mrs. J. V. Lingham, Lady Sub-Asst. Surgeon, Chingleput.
- Mrs. R. T. Andrews, Chingleput.
- Shrimati S. Rajarathnam, Municipal Councillor and Taluk Board Member, Chingleput.
- Mrs. Jeevarathnam, Chingleput.
- Mrs. E. G. Job, Hon. Magistrate, c/o G. V. Job, M.A., L.T., Headmaster, St. Columba's High School, Chingleput
- Mrs. J. R. Jeevaratnam, Chingleput.
- Miss Rosemary Samuels, B.Sc., Women's College, Bangalore.
- Miss Elizabeth George, M.A., Professor of Philosophy and Logic, Women's Christian College, Madras.
- Shrimati Sosa Mathew, B.A., Y.W.C.A., Trivandrum.
- Miss E. J. Mitter, National Y.W.C.A., Calcutta.
- Shrimati Mona A. Vergeese, B.A., Y.W.C.A., Bombay.
- Miss Edna Shott, G. C. F., Jubbalpore.
- Miss L. H. Haining, Kankinara, Bengal
- Shrimati Radhabai Elisha, 63, Lady Hardinge Road, Matunga, Bombay.
- Miss Charlotte M. Nerncy, St. John's Church Road, Bangalore.
- Mrs. Gnanabakkiam Samuel, W. and Ch. Dispensary Tirupapuliyur.
- Shrimati Susan K. Joshua, M.A., L.T., c/o K. C. Joshua, B.A., B.L., District Judge, Nagercoil, Travancore.
- Shrimati Mercy Lily Purushotham Rao, 6338, Kummaraogooda, Secunderabad, Deccan.
- Mrs. C. O. Strango, Govt. Tel. Qrs., Nagpur.
- Miss D. M. Pearson, B.A., Canadian Mission, Indore.
- Shrimati T. Mahalakshamma, Garu, c/o Mr. T. Tirumala Rao Naidu, B.A., L.T., Ramarowpet, Cocanada.
- Shrimati K. M. Sundary, Headmistress, Mahila Vidyodaya, Cocanada.
- C/o Dewan Bahadur C. Ranganayakulu Garu, Retd. District Judge, Cocanada.
- Shrimati B. Seshamma, Editor, "Hindu Sundari," Cocanada.
- Joint Secretary, Ladies' Recreation Club, Cocanada.
- Shrimati Muthuvialakshmi Ammal, Mosque Street, Cocanada.
- Shrimati Pydah Susilamma Garu, c/o P. Venkatanarayana Garu, Zamindar, Cocanada.
- Shrimati S. Sundaramma, Temple Street, Cocanada.
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- Miss D. E. Fleet, Travancore.
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- Mrs. E. Harris, Madanapalli.
- Miss Chandravathy Royal, B.A., B.T., Mission Compound, Madanapalli.
- Mrs. Grace Sundarayya, Mission Com-pound, Madanapalli.
- Miss Violet Sundaram, Mission Com-pound, Madanapalli.
- Miss Jeya Paul, Mission Compound, Madanapalli.
- Miss Cinderella Solomon, Girls' School, Madanapalli.
- Miss Z. Souir, L.M.P., C. B. M. Hos-pital, Vuyyur.

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C/o H. H. The Prince of Arcot, Amir Mahal, Madras.

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- Shrimati M. Suramma Garu, c/o M. Seetha Ramaswami Garu, B.A., B.L., Advocate, Berhampore.
- Shrimati N. L. Kanthamma Garu, Cokavari Street, Berhampore.
- Shrimati B. Alamalamamma Garu, c/o B. Narasimham Garu, Doctor, Berhampore.
- Shrimati B. Seshamma Garu, c/o B. Mukunda Rao Naidu Garu, Berhampore.
- Shrimati I. Narayanamma Garu, c/o B. Mukunda Rao Naidu Garu, Berhampore.
- Shrimati V. Janakiamma, c/o V. V. Menon, Military Lines, Berhampore, Ganjam.
- Shrimati W. V. Satyanarayanamma Garu, c/o W. V. Saima Garu, New Military Lines, Berhampore.
- Shrimati W. V. Surya Bai, c/o W. V. G. K. Gokhale, New Military Lines, Berhampore.
- Shrimati G. Sivakanathamamma Garu, Member, Berhampore Municipal Council, Berhampore.
- Begum Ahmed Ali Sahiba, c/o Ahmed Ali Sahib Bahadur, Collector, Rampet.
- Begum Mohamad Ali Sahiba, c/o Mohamed Ali Sahib Bahadur, Deputy Commissioner of Police, Marshalls Road, Egmore, Madras.
- Begum Jameel, c/o M. S. M. Jameel Sahiba Bahadur, Currency Officer, 6, Monteith Road, Egmore.
- Begum Noorullah Sahiba, c/o Noorullah Sahib Bahadur, Police Quarters, Teynampet.
- Kubra Begum Sahiba, Joint Secretary to the Madras Presidency Muslim Ladies' Association, Madras.
- Thahara Begum Sahiba, Head Mistress, Corporation Muslim Girls' School, Thruvatisvaranpet.
- Rahmatt Unissa Begum Sahiba, Supervisor, Corporation Muslim Girls' School, Madras & Hon. Secretary & Treasurer to the Madras Presidency Muslim Ladies' Association, Madras.
- Mrs. M. A. Wahab Sahib Bahadur, Merchant, "Manga Mundi," Triplicane.
- Khader Unissa Begum, Head Mistress, Corporation Muslim Girls' School, Thousand Lights, Teynampet.
- Rahim Bi Bi Sahiba, Head Mistress, Corporation Muslim Girls' School, Angappa Naick St., George Town, Madras.
- Ameena Begum Sahiba, Assistant, Corporation Muslim Girls' School, Chempauk.
- Khader Bi Bi Sahiba, Head Mistress, Corporation Muslim Girls' School, Pudupet, Madras.
- Fathim Unissa Begum Sahiba, Head Mistress, Corporation Muslim Girls' School, Malifus Khan Garden, George Town, Madras.
- Mohamad Unissa Begum Sahiba, Assistant, Corporation Muslim Girls' School, Angappa Naick Street, G. T., Madras.
- Munuwen Begum Sahiba, Assistant, Corporation Muslim Girls' School, Thousand Lights, Teynampet.
- B. Khader Unissa Be Sahiba, Asst., Corporation Muslim Girls' School, Thousand Lights, Madras.
- Jani Begum Sahiba, Asst., Corporation Muslim Girls' School, Thousand Lights, Teynampet.

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- Razia Begum Sahiba, Head Mistress, Corporation Muslim Girls' School, Chepauk.
- Obran Bi Bi Sahiba, Head Mistress, Corporation Muslim Girls' School, Peter's Road, Madras.
- Khasim Bi Bi Sahiba, Assistant, Corporation Muslim Girls' School, Mylapore.
- Rahmani Begum Sahiba, Assistant, Corporation Muslim Girls' School, Mylapore.
- Asha Bi Bi Sahiba, Assistant, Corporation Muslim Girls' School, Mylapore.
- Kaiz Fathima Sahiba, Assistant, Corporation Muslim Girls' School, Mylapore.
- Rahmatt Unissa Begum Sahiba, Assistant, Corporation Muslim Girls' School, Chepauk.
- Shazadi Begum Sahiba, Assistant, Corporation Muslim Girls' School, Chepauk.
- Rasool Bi Bi Sahiba, Assistant, Corporation Muslim Girls' School, Chepauk.
- Ameena Bi Bi Sahiba, Assistant, Corporation Muslim Girls' School, Chepauk.
- Haleema Bi Bi Sahiba, Assistant, Corporation Muslim Girls' School, Chepauk.
- Safia Begum Sahiba, Assistant, Corporation Muslim Girls' School, Chepauk.
- Rahmatt Unissa Be Sahiba, Head Mistress, Corporation Muslim Girls' School, Perambur.
- Ahmaeli Begum Sahiba, Religious Mistress, Corporation Muslim Girls' School, Thousand Lights.
- Krushood Bi Bi Sahiba, Assistant, Corporation Muslim Girls' School, Mylapore.
- Shrimati Y. Sumitra Bai, Sanyasigudde, Mangalore.
- Shrimati Rajalakshmi R. Achar, Kadri Road, Mangalore.
- Mrs. Ramachandra Ayyar, Planter's Lane, Mangalore.
- Shrimati Y. Sumitra Bai, Sanyasigudde, Mangalore.
- Shrimati K. Ratna Bai, Kadri Road, Mangalore.
- Shrimati M. Ahalya Bai, Court Hill, Mangalore.
- Shrimati S. Seeta Bai, Court Hill, Mangalore.
- Shrimati Nagar Sita Bai, c/o Nagar Ramanath Shenoy, Merchant and Municipal Councillor, Mangalore.
- Shrimati B. Girija Bai, Court Hill, Mangalore.
- Shrimati K. Radha Bai, c/o K. Appaya Shanbhogue, Car Street, Mangalore.
- Shrimati T. Sundari Bai, New Field Street, Mangalore.
- Shrimati B. Uma Bai, c/o V. N. Bijur, Dongerkerry, Mangalore.
- Mrs. V. R. Kamath, c/o V. R. Kamath, LL.B., Vakil, Kodialbail, S. K.
- Shrimati K. Lakshmi Bai, Dangais' Garden, Dongerkerry Street, Mangalore.
- Shrimati G. Susheela Bai, Kalyan Bhavan, Court Road, Mangalore.
- Mrs. Uma Bai Bandur, c/o Anantha Rao, B.A., B.L., Advocate, Balmatta Road, Mangalore.
- Mrs. C. F. Lasrado, 1st Class Bench Magistrate, 15, Falmir Road, Mangalore.
- Shrimati U. Sita Bai, Teacher, Municipal Girls' School, Car Street, Mangalore.
- Shrimati U. Mira Bai, c/o Ullal Narahari Bhat, Ganapathy Temple Street, Mangalore.
- Shrimati Maithrajini Bai, c/o M. S. Krishna Rao, Auditor, Coelho Street, Mangalore.
- Shrimati S. Indira Bai, c/o S. Raghunath Rao, B.A., L.T., Kodialbail, Mangalore.
- Shrimati S. Sundari, c/o S. Raghunath Rao, B.A., L.T., Kodialbail, Mangalore.
- Shrimati M. Lilabai, New Court Road, Mangalore.
- Shrimati M. Kamala Bai, Devi Vilas, Pontlandpet, Mangalore.
- Shrimati S. Rohini, c/o S. Raghunath Rao, B.A., L.T., Kodialbail, Mangalore.
- Shrimati P. Sundari Bai, c/o Rao Saheb H. M. Kamath, Pontlandpet, Mangalore.
- Shrimati N. Sundamma Nellikai, c/o Rao Saheb N. Venkat Rao, Manohar Vilas, Mangalore.
- Shrimati S. Parvathi, c/o S. Raghunath Rao, B.A., L.T., Kodialbail, Mangalore.
- Mrs. John Samuel, St. Patrick's Church, Tuticorin.
- Mrs. D. Gnanam, Church Street, Tuticorin.
- Mrs. J. Motilal, Great Cotton Road, Tuticorin.
- Mrs. M. Roche Victoria, "Sukhastan," Beach Road, Tuticorin.
- Mrs. A. Jacob, Victoria Extension Road, Tuticorin.
- Mrs. U. Jacob, Victoria Extension Road, Tuticorin.
- Mrs. Selvan Lazarus, S. P. G. Shunmugapuram, Tuticorin.



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[Continued.]

Mrs. M. Arulammal, Machado Compound, Sivan Koil, Tuticorin.  
 Mrs. Arthur, North Cotton Road, Tuticorin.  
 Mrs. Lily Thangiah, Chatram Street, Tuticorin.

Mrs. K. Joseph, North Cotton Road, Tuticorin.  
 10, Appa Mudaly Street, Madras.  
 1, Begum Sahib Street, Royapettah, Madras.  
 Kahmur Unissa Begum, 31/32, Peters' Road, Madras

MEMORANDUM 43. ON CERTAIN QUESTIONS AFFECTING THE STATUS AND WELFARE OF INDIAN WOMEN IN THE FUTURE CONSTITUTION OF INDIA, HANDED IN BY MRS. P. K. SEN.

*Introduction.*

1. We, the undersigned, women members of local bodies, such as Municipalities, District Boards and Taluk Boards, desire to present this Memorandum to you, and request you to give it special consideration as coming from women who have all had experience of standing for election and of serving on public administrative bodies. We have had personal practical experience of the difficulties which confront women standing for election under a franchise principally based on property qualifications, and in which, though franchise qualifications are the same for men and women voters, the proportion of men to women voters is about 6:1 in Municipalities and 8:1 in District Boards.

*Experience of Election to existing Local Bodies.*

2. We would point out that our experience in elections is of special interest as we have all stood for election under the Local Bodies Act of 1930, by which any taxpayer of however small an amount is qualified to vote. (Sec. 45, Madras District Municipalities Act and Schedule III to the Madras Local Boards Act, 1930.) We have therefore had practical experience in advance of how franchise based on a low property qualification and given on equal terms to men and women would affect women candidates if unmodified by any additional special qualifications for women voters. Before 1932 the only women on local bodies were women members nominated by Government, and we would point out that their work was so much appreciated, that when nominated seats on local bodies were abolished by the New Acts which came into force in 1932, these bodies recommended that under the provisions of these Acts, seats should be reserved for women. There are now over 200 women on local bodies in the Madras Presidency, sitting on Municipalities, District Boards and

Taluk Boards, but almost all of them have been returned for seats reserved for women. From figures that are available now we learn that *out of these 200 women on local bodies only one woman has been returned for a general and unreserved constituency in a Municipality, and one woman for a District Board general and unreserved constituency.* These figures speak for themselves with regard to the chances women would have, of being elected for general unreserved constituencies on a franchise nominally equal for both men and women voters, and comment is almost superfluous.

3. We would, however, point out that the presence of these women on local bodies shows the keen interest women are taking in local affairs and that this interest has even spread to the villages, which are usually regarded as the stronghold of conservatism with regard to women. We have now elected women members on several Taluk Boards, these women members being usually women residing in Taluk areas and not outsiders. The existence of women members on Taluk Boards, is especially interesting, as prior to 1932 there were no nominated women members on Taluk Boards as there were on Municipal Councils and on District Boards. It shows that the work of the nominated women members on the old Municipalities and District Boards has encouraged women in the villages to stand for election to Taluk Boards under the provision of the new Act. (Sec. 9 (2), Madras Local Boards Act of 1930.)

*Opposition to postponement of consideration of qualifications for women's franchise.*

4. Before we go on to deal with the special franchise qualifications for women which we support, we should like to deal with the general argument that this question of women's franchise be postponed and left to the Central and Pro-

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vincial Legislatures to deal with at some future and uncertain date. We are emphatically opposed to this suggestion as we consider that the claims of India's women to political status and rights should be dealt with at the same time as those of the rest of India, and before the Bill for the New Indian Constitution is finally drafted and presented to Parliament. The new Central and Provincial legislatures will have many pressing questions to deal with, and the questions affecting women and their status will be crowded out, unless candidates for election are responsible to a women's vote too considerable for them to dare to ignore it, but the women's vote under the present nominally equal franchise is 1·10 in our province of Madras, and is very much lower in other provinces, e.g., in Assam it is 1·114 (para. 204, Chap. VIII, Report of Indian Franchise Committee).

*Special franchise qualifications for women supported in this Memorandum.*

5. These general considerations therefore make us support the special franchise qualifications for women proposed by the Indian Franchise (Lothian) Committee for the Provincial Councils.

(a) an educational qualification of bare literacy for women.

(b) being the wife of a man who possesses the property qualification prescribed for the existing councils.

The Committee estimated that under these proposals the number of women enfranchised would be approximately:—

|                                      |        |           |
|--------------------------------------|--------|-----------|
| (a) Own property qualification       | ... .. | 1,929,000 |
| (b) Literacy qualification           | ...    | 1,265,000 |
| (c) Husband's property qualification | ... .. | 4,306,000 |

As there would be some overlapping between the voters qualified under these different heads, they estimated the total number of women voters as approximately 6,620,000. These proposals would nowhere result in a higher proportion of women to men voters than as 1:4 and in some provinces such as Bihar and Orissa the proportion would be only as 1:9 and we cannot think this anything but a modest proportion considering that the total adult populations of men and women are about equal. If these special qualifications of literacy and of the husband's vote are not adopted the proportion of women to men voters would be only as 1:11 in this province and considerably smaller in other provinces. We wish, therefore, to emphasise the very

great importance to women of those special franchise qualifications as proposed by the Indian Franchise Committee, and to state that we will be content with no proposals which enfranchise a smaller proportion of women.

*Suggested enfranchisement of all women over 21 in urban areas.*

6. We are aware of the suggestion made by some women's organisations to increase the women's vote, by enfranchising all women of twenty-one and over living in urban areas. We would have no objection to this scheme were it in addition to the special qualification for women of the husband's property qualification recommended by the Indian Franchise Committee and the White Paper; but we understand that this enfranchisement of urban women voters has been suggested as a substitute for the husband's property qualification, and to such a substitution we are totally opposed, as it must result in an unequal and unfair distribution of voting strength between women in urban and in rural areas. As education is more advanced in urban than in rural areas, more women will come on the electoral rolls under the literacy qualification in urban than in rural areas. To this literacy qualification which itself favours women in urban areas, it is proposed to add a special qualification giving adult franchise to women in towns, a qualification which will only benefit women in urban areas, while at the same time abandoning the husband's property qualification which would have enfranchised women in rural as well as in urban areas. All students of Indian Economics and Politics have emphasised that India is predominantly an agricultural country and that nearly 90 per cent. of her people live in villages, and therefore to give adult suffrage to the 10 per cent. of women who live in towns, while giving only a property qualification in her own regard and a literacy qualification to the 90 per cent. of women who live in villages, would be manifestly unfair and injurious to the interests of Indian women as a whole. As the women in villages are educationally and socially more backward than the women in urban areas, the vote is of greater educative importance to them than to women in urban areas, and they need the stimulus of the franchise to awaken them from their present state of civic inertia and to raise their general status. It is, moreover, especially in rural areas, that the

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pressure of an adequate women's vote is needed to increase the provision of facilities for education and medical help and generally to improve the social conditions of life for women in villages. We have no doubt, therefore, that the substitution of this proposal of adult suffrage for women in urban areas in place of the husband's property qualification would cause grave injustice to many millions of Indian women, and retard the progress of women's advancement in the villages. We, the signatories of this Memorandum, have many of us lived in rural areas, and are well acquainted with the conditions prevailing there, and we feel strongly that it would be most unfair to deprive the women in villages of their share in the voting strength of the country, by substituting for the special qualification of husband's property qualification, a special qualification enfranchising women only in towns, because of the personal and theoretic objections, however genuinely held, of a few women to the married women's qualification. We feel that their objections take no account of the actual practical conditions prevailing in Indian villages. We state with full confidence and a real knowledge of rural conditions that women in rural areas have no such objections to a vote on the husband's qualification, and consider that at the present time and under the present circumstances in Indian villages it would be regarded as quite fair and in no way derogatory to women. For these reasons we most strongly urge that the proposal of the Indian Franchise Committee of the special qualification for women on husband's property qualification should not be abandoned.

*White Paper Proposals for Women's Franchise for the Provincial Councils.*

7. Under the proposals of the British Government in the White Paper of March, 1933, the franchise in general for Provincial legislatures will be "essentially based on property supplemented by an educational qualification common to men and women alike and by a qualification for women in respect of property held by the husband." The Government estimate that under these qualifications the ratio of women to men voters will be approximately 1:7 but they do not give any figures or state reasons for arriving at this ratio. Their proposals for women's franchise differ from those of the Indian Franchise Committee with regard to the educational qualification. The White Paper recommends

the same educational qualification for men and women, and that qualification is a very high one in some provinces, e.g., in Bombay, Bengal, Bihar and Orissa and Central Provinces where the passing of the Matriculation or School Leaving Certificate or its equivalent is the qualification prescribed. Therefore the women who in these provinces will come on the electoral roll under the educational qualification will be very few, far less in number than the men. We would point out that even now many more boys than girls go to school and pass examinations, and this was still more the case when the adults of to-day were boys and girls. We have, therefore, no doubt that if the proposals of the White Paper are adopted the proportion of women to men voters for Provincial Assemblies will be far lower than the Government estimate of 1:7 a ratio which is not fair or just to the women, considering their numbers and importance in the country.

*White Paper Proposals for Women's Franchise for the Assembly.*

8. The franchise for the House of Assembly of the Federal Legislature under the White Paper proposals will be for practical purposes the existing franchise for the present Provincial legislatures, a franchise essentially based on property. The Government propose that this qualification should be supplemented by an educational qualification common to men and women. They state that under these qualifications "the ratio of women to men electors for the Federal Assembly will for practical purposes remain unchanged although the number of women electors will be substantially increased." Here again no figures are given to explain how this ratio was arrived at. The property qualification proposed by the White Paper for the Federal Assembly is the same as that proposed by the Indian Franchise Committee, but while the Committee recommended literacy as the educational qualification for women the White Paper recommends the possession of the Matriculation Certificate or its equivalent examination as the educational qualification for both men and women alike. Statistics show that there will be only about 315,651 women voters and 6,792,821 men voters under the proposed property qualification for the Federal Assembly (Table in Chapter VII, Report of Indian Franchise Committee). The Indian Franchise Committee rejected the idea of the immediate introduction of even the Upper Primary Standard as the

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educational qualification for women as the number of women who would come on the electoral roll would be very small, and advocated bare literacy as the educational qualification for them for the first election to the Federal Assembly. (Chapter XX, para. 409.) The number of women voters will surely be smaller still when the educational qualification is as high as the Matriculation Standard. We would refer to the remarks of the Education Committee of the Indian Statutory Commission (Chap. VII, para. 7 of their Report) that the disparity and the growing disparity between the figures for boys and girls increases as we go up the educational ladder and that the number of boys in the high school stage (preparing for matriculation) is 34 times as great as the number of girls. This high educational qualification will, therefore, surely lower the ratio of women to men electors below even its present inadequate figure.

*White Paper Proposal for Application to the Returning Officer.*

9. The White Paper further modifies the proposals of the Indian Franchise Committee by adding a proviso that the claimants in respect of an educational qualification, or of property held by a husband, will be required to make application to be entered on the electoral roll to the Returning Officer. The Indian Franchise Committee suggested this condition *only* in the case of women who were not recorded as literate in the educational records, and not of *all* women who would be qualified under these special qualifications. The exact effect of this proposal of the White Paper cannot be measured now, but we fear that numerically it will be very serious indeed. One of the main reasons for this fear is that under existing social conditions in India this proviso will press more severely on women than it would on men voters for social disabilities such as purdah may make it difficult for qualified women voters to fulfil this condition. Also women qualified to vote may not realise until too late that under this new regulation they are obliged to make an application to the Returning Officer before their names are entered on the register. The only effect of this proviso must be to decrease the women's vote and lower its proportion compared to that of men and thus to diminish the effect of the special qualifications for women devised in order to mitigate the present disparity in numbers between men and women voters. We would urge,

therefore, that this condition should not be prescribed for women, and that the recommendation of the Indian Franchise Committee on this point should be adopted as being fair and reasonable. If, however, this proviso is insisted upon, we would urge that to compensate for the probability of a smaller number of women coming on the roll, the husband's property qualification should be extended to the wives of *all* men qualified under the future property qualification, instead of merely to the wives of men possessing the property qualifications prescribed at present for the provincial councils.

*Special Importance of Assembly Franchise to Women.*

10. We would like to emphasise that though the White Paper contains provision for reservation of seats for women for the Assembly, this reservation of seats should not be considered as in any way a substitute for a women's vote large enough to demand consideration from candidates for the Assembly. Questions such as marriage and divorce, adoption, custody and guardianship of minors, wills and succession, will under the proposals of the White Paper be concurrent subjects for Provincial and Central legislation. As these are questions on which the views of men and women may differ, it is essential that the members of the House of Assembly, should be responsive to a large women's vote, if the views of women are to have a fair chance of influencing legislation on these subjects: subjects which all will agree are of the most vital and particular concern to Indian women. The attention that these questions are likely to receive unless there is an adequate women's vote was demonstrated when a motion for the reference to a Select Committee of a bill to secure a share for Hindu widows in their husband's family property was negatived by the legislative Assembly on 4th February, 1932. Other similar instances can be given, and had the members of the Assembly been answerable to a large women's vote such neglect of questions of peculiar importance to women would not have occurred. In view therefore of the special importance of the women's vote for the Federal Assembly, we would urge that women should have for that Assembly the same qualifications of literacy and of the husband's property qualification as recommended by the Indian Franchise Committee for the Provincial franchise.

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[Continued.]

*Hope that Joint Select Committee may modify White Paper Proposals for Women's Franchise.*

11. We are glad that the British Government have clearly stated that they "fully appreciate the importance of a large women's electorate and are very anxious to secure that the proportion of women electors should be adequate" and admit that further consideration of the subject may be necessary. We do most earnestly hope that the Joint Select Committee will bear this in mind and that on careful consideration of the arguments we have urged for the necessity of enlarging the women's electorate, they will revise the Government's proposals so as to enable women to have a share in both the Federal and Provincial electorates more in proportion to their number and their importance to the country.

12. We are aware that under adult suffrage the proportion of men and women voters would be fair and just but we do not consider it probable that adult franchise will be introduced at once owing to administrative difficulties. We, therefore, urge most strongly that if the Joint Select Committee are unable to recommend any form of adult suffrage, they will not ask the women of India to be satisfied with any smaller measure of franchise than that recommended for them by the Indian Franchise Committee for the Provincial legislatures; while in view of the special importance of the women's vote for the Federal Assembly we would respectfully and with all the vehemence at our command, urge that nothing less than one-third of the total voting strength for that Assembly will be fair or just to women. We have made a careful study of the subject and feel convinced that anything less than the franchise we have demanded will fail to make the women's vote an effective factor in elections.

*Eligibility of Women Candidates for Election to the Upper Chamber of Federal Legislature.*

13. With regard to the Upper Chamber of the Federal Legislature no definite proposals have yet been made for ensuring that women will be eligible for election to this body. The White Paper states "since the British Indian seats in the Upper Chamber of the Federal Legislatures will be filled by indirect election by the Provincial legislatures, no question of franchise qualifications arises though certain specific property or other

qualifications will be required in members". Under the present qualification for election to the Council of State the number of women who would be qualified to stand is infinitesimal, and we would urge that if these qualifications are to be continued for the new Federal Upper Chamber, some modification in them should be made for women candidates. If new qualifications are to be prescribed we would urge that these new qualifications should be such as to secure the eligibility of a considerable number of women as candidates.

In this connection we would draw attention to the significant fact that in spite of a strong demand from women, the Council of State has not yet extended the right to vote or stand for election even to those few women who possess the existing high qualifications. As practical experience on legislative measures affecting women has shown that this body is extremely reactionary in its attitude to women we are naturally anxious that the qualifications to serve on this body should be such as to make it possible for educated women to stand for election.

*Statutory Declaration of Women's Equality in Civic Rights.*

14. This disability brings home to us the importance of a Statutory declaration safeguarding women from disabilities imposed on them as women in the exercise of civic rights, and we would urge that a clause stating that men and women have fundamentally the same rights and duties as citizens, should be embodied in our new constitution.

*Summary.*

15. We would summarise the proposals we urge as follows:—

(1) That the consideration of the question of the political status of women under the new Indian Constitution should not be postponed or left to be dealt with by the future legislatures or Government; and that the claims of women should be examined at the same time as those of the rest of India and before the Bill for the new Indian Constitution is finally drafted and presented to Parliament (Para. 4 of this memo.).

(2) That a clause should be inserted in the new Constitution safeguarding women from disabilities imposed on them as women in the exercise of civic rights (Para. 11 of this memo.).

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[Continued.]

(3) With regard to women's franchise we would urge:—

(a) *For the Provincial Assemblies.*

(1) Property and educational qualifications the same as men.

(2) Special literacy qualification of bare literacy.

(3) Special qualification of being the wife of a man having a specific property qualification. A woman once placed on the roll in respect of this qualification to continue to be on the roll during widowhood.

*Note.*—In these we support the recommendations of the Indian Franchise Committee and declare that we will be content with no smaller proportion of women voters than they have recommended.

(Paras. 5, 6 and 7 of this memo.)

(b) *For the Federal Assembly:*

(1) The same property and educational qualification as for men.

(2) and (3) The same special qualifications for women as those proposed for the Provincial Assemblies and stated above.

*Note.*—For reasons already explained and in view of the special importance of an effective women's vote for this Assembly, our proposals differ from the more restricted franchise recommended for women by the Franchise Committee (Paras. 8 and 10 of this memo.).

Note on (a) and (b): With regard to the special qualifications for (a) and (b) we would draw your attention to Para. 9 of this memorandum.

(c) *For the Upper Chamber:*

The qualifications should be such as to secure the eligibility of considerable number of educated women (Para. 13 of this memo.).

16. In conclusion we wish to state respectfully that our experience as members of Local Bodies and our experience of elections, has impressed on us the necessity of an adequate women's vote, if questions affecting women are to have given to them the attention their importance to the country demands. We have, therefore, felt impelled to present this Memorandum embodying our views on women's franchise, and we are confident that you will attach the greater weight

to our views because we have had practical experience of administrative work on Local Bodies.

Signed by the following.—

C. L. Narasamma Garu, Anantapur District Board, Anantapur.

Hatti Pillamma Garu, Taluk Board, Dharmavaram.

Venkata Narasamma Garu, Taluk Board, Kadiri.

Kanniammal, North Arcot District Board, Vellore.

Balambal, North Arcot District Board, Vellore.

Muniammal, Taluk Board, Gudiyatham.

Mrs. Julia Nathaniel, Taluk Board, Vellore.

Muniammal, Municipal Council, Vellore.

Mrs. J. Nathaniel, Member, Secondary Education Board, Municipal Council, Vellore.

Krishnaveni Ammal, South Arcot District Board, Cuddalore.

C. Amirthammal, South Arcot District Board, Cuddalore.

Ethirajammal, Taluk Board, Kallakurichi.

Krishnaveni Ammal, Taluk Board, Villupuram.

R. Pattammal, Taluk Board, Tirukoyilur.

Navanitha Ammal, Taluk Board, Vridachalain.

Mrs. M. E. Feriero, Medical Practitioner, Municipal Council, Cuddalore.

Krishnaveni Ammal, Municipal Council, Villupuram.

M. Sundari Adappa, South Canara District Board, Mangalore.

Shambhavi R. Punja, B.A., Secretary, Mahila Sabha, Member, District Educational Council, South Canara District Board, Mangalore.

N. Lalitabai Subbarao, Vice President, Mahila Sabha, and Depressed Classes Mission, Member, District Educational Council, Municipal Council, Mangalore.

Lazarammal, Chingleput District Board, Chingleput.

Bhagirathi Sri Ram, Theosophical Society, Adyar, Chingleput District Board, Chingleput.

S. Rajarathnam, Taluk Board, Chingleput.

C. Kannammal, Taluk Board, Conjeevaram.

Kuppammal, Taluk Board, Tiruvallur.

Mrs. Benny, Taluk Board, Saidapet.

L. Subbalaksmi, Municipal Council, Saidapet.

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[*Continued.*]

- Mrs. Rajarathnam, Municipal Council, Chingleput.  
 D. Lakshmi Gurumurti, B.A., Chittoor District Board, Chittoor.  
 Mrs. A. M. Bedford, Chittoor District Board, Chittoor.  
 V. Pappamma, Taluk Board, Madanapalle.  
 K. Peddamuneamma, Taluk Board, Puttur.  
 T. Chinnammal, Taluk Board, Tiruttani.  
 Mrs. A. M. Bedford, Registered Medical Practitioner, Taluk Board, Chittoor.  
 Muthammal, Coimbatore District Board, Coimbatore.  
 C. Pappammal, Taluk Board, Palladam.  
 K. Rathinam, Taluk Board, Bhavaní.  
 K. B. Sundarambal, Taluk Board, Erode.  
 C. Pappammal, Municipal Council, Tiruppur.  
 Ranganaikamma, Pakkala, Ganjam District Board, Berhampore.  
 G. Sivakantamma, Municipal Council, Berhampore.  
 P. Sowbhagyavatamma, Member, District Educational Council, Municipal Council, Berhampore.  
 V. Sundaramma, Stamp-Vendor, Municipal Council, Chicacole.  
 P. Ranganayakamma, Taluk Board, Berhampore.  
 A. Venkataramanamma, Taluk Board, Razole.  
 D. Pushpalavaneeyamma, Taluk Board, Rajahmundry.  
 J. Purushotham, Taluk Board, Tuni.  
 Damaraju Lakshmanamma, West Godavari District Board, Ellore.  
 K. Ramayamma, Taluk Board, Kovvur.  
 Annamma Gandham, Taluk Board, Ongole.  
 K. Annapurnamma, Taluk Board, Bapatla.  
 G. Nagamani, Municipal Council, Chirala.  
 T. Seethamma, Municipal Council, Masulipatam.  
 Srimathi Kaveri Ammal, Madura District Board, Madura.  
 Mary Kanakammal, Madura District Board, Madura.  
 M. Kaveri Ammal, Taluk Board, Dindigul.  
 Subbammal, Taluk Board, Madura.  
 M. Kaveri Ammal, Municipal Council, Dindigul.  
 A. K. Ammalu Amma, Malabar District Board, Calicut.  
 Satyabama Kunchi Amma, Malabar District Board, Calicut.  
 M. A. Lakshmy, Taluk Board, Chirakkal.  
 M. Narayani Amma, Taluk Board, Kottayam.  
 T. Kalyanikutti Ammal, Taluk Board, Calicut.  
 K. Madhavi Ammal, Taluk Board, Ernad.  
 E. Ammalu Kovilamma, Taluk Board, Walluvanad.  
 P. Ikkali Amma, Taluk Board, Ponnani.  
 E. Narayanikuttyamma, Municipal Council, Calicut.  
 K. P. Narayani Amma, Municipal Council, Cannanore.  
 Mrs. L. G. Barnard, Municipal Council, Cochin.  
 M. Maragathavalli Ammal, Taluk Board, Tiruppattur.  
 T. M. Kunjammal, Taluk Board, Srivilliputtur.  
 Mrs. Vincent Raj, President, Virudhanagar Women's Association, Municipal Council, Virudhanagar.  
 M. Maragathavalli Ammal, Municipal Council, Karaikudi.  
 Shrumathi Kunjammal, Municipal Council, Srivilliputtur.  
 Radhabai Subbaravan, B.A., Zamindarni of Kumaramangalam, Chairman, Madras Presidency Maternity & Child Welfare Association, Salem District Board, Salem.  
 Chinnammal, Zamindarni of Goundampalayam, Salem District Board, Salem.  
 R. V. K. Kripavathiammal, Salem District Board, Salem.  
 S. V. Mahalakshmiamma, Taluk Board, Salem.  
 Thillaiammal, Taluk Board, Namakkal.  
 N. Madhavi Ammal, Municipal Council, Salem.  
 Mahalakshmi Varathaswamy, Municipal Council, Salem.  
 Jayammal, Tanjore District Board, Tanjore.  
 Elizabeth Ammal, Taluk Board, Mannargudi.  
 V. Elizabeth Ammal, Municipal Council, Mannargudi.  
 Srimati Lingammal, Tinnevely District Board, Tinnevely.  
 Padmayati Ammal, Tinnevely District Board, Tinnevely.  
 Srimati Lingammal, Taluk Board, Koilpatti.  
 Padmayati Ammal, Taluk Board, Tinnevely.  
 Sornathai Doraiammal, Municipal Council, Palamcottah.  
 M. Kamalam Ponnusamy, Municipal Council, Palamcottah.  
 Padmayathi Ammal, Municipal Council, Tinnevely.  
 Mrs. D. Manoel, Municipal Council, Tuticorin.



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[Continued.]

Lakshmi Ammal, Taluk Board, Kulittalai.  
 Ponnammal, Taluk Board, Udayar-  
 palayam.  
 Ambujathammal, Municipal Council,  
 Srirangam.  
 Venkataramanamma Tenneti, Member,  
 District Educational Council, Taluk  
 Board, Vizagapatam.  
 Pesapareddi Sithamma, Taluk Board,  
 Bobbili.  
 Pedda Munna Bayamma, Municipal  
 Council, Tirupati.  
 Mathusri Janakammal, Taluk Board,  
 Madurantakam.  
 Valia Thamburati Avipro, Kovilakam,  
 Malikhana-holder, Taluk Board, Wallu-  
 vanad.  
 Pedda Munna Bayamma, Taluk Board,  
 Tirupati.  
 Mary Manickavasagam, Taluk Board,  
 Sattur.  
 Srimati Gnana Velu, Taluk Board,  
 Madanapalle.  
 P. Venkata Subbamma, Municipal Coun-  
 cil, Bezwada.  
 G. Ponnammal, Taluk Board, Ramnad.  
 G. Vengamma, Taluk Board, Gooty.  
 S. Krishnammal, Ramnad District Board,  
 Madura.  
 S. Krishnammal, Taluk Board, Siva-  
 ganga.  
 A. R. Ramakkal Ammal, Taluk Board,  
 Coimbatore.  
 A. Venkata Sitamma, Kistna District  
 Board, Kistna Dt.  
 Gadhe Kanakavalli Ammal, Guntur Dis-  
 trict Board, Guntur.  
 Seetha Bai, Bellary District Board,  
 Bellary.  
 S. Thayammal, Municipal Council,  
 Madura.  
 M. Kannu Ammal, Taluk Board,  
 Trichinopoly.  
 V. P. Omana Amma, Taluk Board,  
 Kurumbranad.  
 R. Sunderambal Mirasidar, Taluk Board,  
 Tiruturaiundi.  
 S. Maugamma, Municipal Council,  
 Bellary.  
 P. Sundaramma, District Board, Guntur.  
 C. Rukmani Amma, District Board,  
 Cuddapah.  
 C. Poamavattir Bin, District Board,  
 Cuddapah.  
 Subbamma, Taluk Board, Tadpatri.  
 B. Achamma, Taluk Board, Anantapur.  
 Chenamma, District Board, S. Kanara.

C474. Do you desire now to make a statement or to add anything to those Memoranda?—I understand I will have to appear before the full Committee on

Tuesday. I think I would rather make my statement then.

C475. You appreciate that our hope is that your detailed examination may be taken this afternoon?—Yes

C476. And if you think that there is sufficient in the Memoranda to enable the sub-committee to carry out that detailed examination, then I agree that you should make your statement only before the main Committee?—If you would permit me to say a few words about the Mahila Samiti I would like to do so.

C477. Please?—The Mahila Samiti is a successor to the Women's organisations which were started and carried on in Bengal since the early eighties of the last century, through the effort of pioneer workers. It was founded in 1905 with the late H.H. The Maharanee Sumiti Douco of Cooch Behar as the President and Mrs. P. K. Ray as the Secretary, and has gradually extended its activities. Although its work is mainly intended for Bengal it has brought Bengal into contact with various other parts of India. In 1908 this Samiti organised a Conference which was presided over by Her Highness the Maharanee of Baroda. This Conference was attended by representative women numbering over 500 from Bombay, Madras, Punjab, the Central Provinces, and other parts of India. About 1914 it further extended its activities by raising funds and sending young women students to England for further studies and training. For this purpose a Branch Association was formed in London called the Indian Women's Educational Association which exists here to the present day, and is doing useful work. During the Great War the Samiti stirred the whole of Bengal by organising active work in different centres for the purpose of supplying comforts to the Indian sepoys in the front and to the newly enlisted recruits known as the Bengalee Double Co. In 1917 there was another big Conference of women from different parts of India, held at Calcutta under the auspices of the Mahila Samiti and the Samiti came into contact with various women workers from different parts of India.

In 1918 the Samiti framed a definite scheme for starting a Home School and College for Indian girls which has since materialised into a very useful institution, and we have girls from various parts of India.

Thus for nearly 30 years the Samiti has done silent and steady work for social

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[Continued.]

and educational advancement. It took the lead on the question of women's Suffrage in Bengal at the time when the Indian Franchise Committee visited India and worked in that behalf in conjunction with several women's organisations in Bengal. It can therefore well claim to be heard on the enfranchisement of the Indian women. This is one point, and, my Lord, with your permission, I might emphasise the point which was brought forward by Miss Pickford the other day about Reserved seats in the Provincial Councils and Assemblies.

*Chairman.* On what occasion?

*Miss Pickford.*

C478. I think probably Mrs. P. K. Sen is referring to my questions to the Secretary of State about the representation of Bengal on the Provincial Councils, and also in the Federal Assembly. Is that so?—That is so.

C479. The number of the question is 7454?—It said that in Bengal with a population of 50,000,000 in the Provincial Councils there were five women, and in the Federal Assembly one woman, in Bombay with a population of 18,000,000 (without Sind) six women in the Provincial Council and two women in the Federal Assembly. Madras has eight women in the Provincial Council and two in the Federal Assembly. This point I wanted to bring out before your Lordship.

*Chairman.*

C480. Would you tell me about your organisation. Have you a definite membership?—Yes, we have.

*Begum Shah Nawaz.*

C481. Confined to Bengal only?—Yes, the Mahila Samiti is confined to Bengal only.

*Chairman.*

C482. I do not think you give us your total membership in your Memoranda, do you? Could you give me that?—We have not got it in that sort of organised way, because we have small Mahila Samiti's in almost all the districts, and each Association is doing work for the local area. We could estimate it at more than 1,000 at least, and there are other branches which have sprung up from the Mahila Samiti, but which are not exactly in the name of the Mahila Samiti, such as the Saroj Nalini Association which has 222 branches all over Bengal, and, especially in the rural districts. It is really a part of the Mahila Samiti. There are other Associations which have also sprung up from this Mahila Samiti. This

is a sort of parent body—the mother I might call it. May Mrs. Mukerji add something?

C483. I might ask you a question on that last observation of yours. Are you meeting with much opposition from Indians in India?—No, I do not think so.

C484. Is there any organised opposition to your propaganda?—I cannot quite say that. I do not think there is.

C485. You are not conscious of any strong organised opposition?—Against our views there might be opposition.

C486. Let me ask you in connection with that whether you have been carrying on any active propaganda in Bengal or elsewhere in favour of your suggestions with reference to the White Paper scheme?—There has been no sort of 'propaganda.' We have held meetings in Calcutta, and also in the districts, but I cannot say that it was propaganda on a large scale against the White Paper.

C487. Has there been evident any opposition to, or resistance against your proposals for amending the Government's scheme?—Regarding some of our methods, of course, there is difference of opinion with the other organisations, but I think their object is all the same, because we all want adequate representation, I think.

*Miss Pickford.*

C487A. With regard to the last question that the Chairman has put to you, would it be fair to say that your organisation and the All-India Women's Conference are entirely agreed as to the necessity of an adequate number of women being on the electoral roll in order to make their needs and opinions felt?—Yes, that is quite so.

C488. But there is some difference between you as to the best way of bringing the women upon the electoral roll?—Yes, that is so.

C489. That it is a difference of detail, but an agreement in principle?—Yes, that is so.

C490. Am I right in thinking that there is a branch of the All-India Women's Conference in Bengal?—Yes, there is; recently formed.

C491. You are or were a member of that organisation at one time?—At one time I was, yes.

C492. And the Mahila Samiti, and the All-India Women's Conference are really pursuing the same objects, namely, improvement in the education and social conditions of women and girls?—Yes.

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[Continued.]

*Chairman.*

C493. Mrs. Mukerji, I rather think you wish to say a word or two before the general examination begins?—(Mrs. Mukerji.) Yes, I wish to say that under the auspices of the Mahila Samiti many Women's Committees have sprung up in Bengal dealing with all the different vital matters that deal with the improvement of women, such as the Women's Union which has tried to bring forward in the Council the Immoral Traffic Bill. We want to have it passed all over India. It has done great work in that way. We have got over 2,000 signatures including those of men, and, although the Mahila Samiti has now rather gone into the background, to give more energy to these new Associations that have sprung up under its auspices, where the younger generation seem to be taking a lead—

C494. Could you give us an indication of the scope of the welfare work in which those organisations were interested?—Yes. One is this immoral traffic, and the other is that homes have sprung up for the children of these women who are, I should say, fallen women.

*Sir Hari Singh Gour.*

C495. Foundling Homes?—Foundling Homes, and there have been several Vigilance Societies to watch over and to take care of girls who are led astray.

*Chairman.*

C496. Have those activities been mainly urban or have they penetrated into the rural areas?—They have penetrated into the rural areas. Their centres have been urban, but they have tried to extend their activities to rural areas.

C497. Are you yourself conscious of the organisations at work in Bengal known as the Co-operative Welfare Societies?—Yes, I am conscious of it. I am not a member; I have heard of these societies. I am not actually a member of the Co-operative Society.

C498. Are your members, or supporters, to your knowledge, taking any active part in that work?—I cannot say about the Co-operative Societies. Lady Bose has an organisation which actually works in the rural areas, but it is not known as a Co-operative Society. You might put it under that head, but the work is in the villages to get the widows and women—

C499. I am thinking of the anti-malarial societies. Malaria after all,

though it bears hardly on the men bears even more hardly on the women?—That is more in the hands of the medical associations. But maternity work we have distinctly taken a great lead in. We have baby clinics all over Bengal, even in some of the village places, and especially in Calcutta, and there once or twice a week the Society maidens take it upon themselves to go there and dole out milk and give food to children and to see to their medical requirements if they are ill or sick in any way. They give them medicine and see to their medical requirements. We have established centres for the last 10 years or more, and even some of the Girl Guides take part in that.

C500. With regard to your maternity welfare work, have you any centres for training midwives?—We have centres for training midwives in some places. We have some under the auspices of the Government; we have health visitors and also midwives who go round, and they are paid a nominal sum, for this nominal sum they go and do accouchement for the poor women who cannot go to hospitals, due to purdah and other reasons.

C501. As an organisation you associate work of that kind with the general progress of women, material and political?—Yes; I do. In Chittagong I was directly concerned with this. We had a Maternity Committee and I was for some time President of this, and we actually gave out clothing and we sent out these midwives to these poor people who actually could not go to hospitals, and I and other ladies in turn visited the homes of these women who were in a state of accouchement.

C502. You regard the matter of the franchise as it affects women as very directly associated with the advancement of work of that kind?—Yes, because I think, when the laws are passed, they might touch on the improvements for this sort of thing. It is all a question of finance, and it is finance that is needed always. We had to raise money for public charity as it were, to help these women. If we have a sufficient representation in the Councils we might get the money directly from the funds put aside for medical or educational needs.

C503. Would you expect the general quickening of interests in affairs which is likely to follow the grant of the vote, in its turn to make a contribution towards the interest which women would take in that type of work?—I think decidedly so.

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[Continued.]

C504. Have you any further statements which you desire to make?—It was only regarding these organisations, and I think your Lordship has heard enough of that.

*Miss Mary Pickford.*

C505 I understand that you have been asked to represent also the ladies who have sent in memoranda Nos. 42 and 43 from Madras?—Yes.

C506. You are in substantial agreement with the proposals that are put forward in those two memoranda?—Yes, we are.

C507. I think, Mrs. Sen, you are also in fairly close touch with the women in Bihar?—(Mrs. P. K. Sen.) Yes. I was in Bihar for almost 15 years. That is why in fact I asked Mrs. Mukerji to come with me to say something about Bengal, as I was not very closely in touch with the work in Bengal.

*Miss Mary Pickford.*] The differences in points of detail between these memoranda and those that have been put in on behalf of the All-India Women's Conference may be said to be that you are in favour of the proposal put forward by the Indian Franchise Committee of enfranchising the wives and widows of men with a certain property qualification, and they do not like that particular qualification.

*Chairman.*] I just want to say one word, you Mrs. Sen, or Mrs. Mukerji, will either of you answer these questions as you please?

*Miss Mary Pickford.*

C508. Is it your view that some such qualification as that will give a fairer distribution of voting strength than the proposal put forward by the All-India Women's Conference for enfranchising urban areas alone?—Yes; we feel very strongly that the rural areas want help and we cannot leave out the rural areas. There should be no discrimination between town and country. I have put that clearly in my memorandum. Both the Madras memoranda have stressed this point very clearly. I do not know whether I am in a position to say that they would accept anything else. I have said in my memorandum that I would be prepared to accept any other alternative. The Madras memoranda I presume all the Members of the Committee have read. They seem to be very strong on the fact that the vote in the rural areas is of far greater importance and value to them in educating them and raising their

status generally than it is to the women in the urban areas. In the urban areas they have already got a special qualification namely literacy. In the villages there are not so many literate women. They have already that advantage in the urban districts, and if another special qualification of adult women suffrage were given in the urban areas, the rural areas would really be thrown into the background and we are afraid that there would really be no improvement which we all want very strongly. 90 per cent. of the population as you all know are in agricultural districts and it is for their improvement that we want wife's votes. That would result in a fair and even distribution at least, if we have to accept any special qualifications at all.

C509. From your experience would you agree with a statement in memorandum 43 which is sent in by ladies who have experience on local boards in Madras?—Yes.

C510. It is a very short paragraph, so perhaps it would be simpler if I read it: "We state with full confidence and a real knowledge of rural conditions that women in rural areas have no objection to a vote on the husband's qualifications and consider that at the present time and under the present circumstances in Indian villages it would be regarded as quite fair and in no way derogatory to women"?—Yes.

C511. Would you agree with that?—Yes; we would agree with that. In India the wife and husband really regard themselves as equal partners. The husband has his duties outside the home but the wife has the dominating influence inside the home. Both of them go to make up the fortunes of the home. I do not see how it can be regarded as derogatory to accept the husband's property qualifications. I think it is only recognising the status of the Indian women that they are equal partners to their husbands if they were given the vote on their husband's property qualifications. The Hindu law is much against the women of India and it is very difficult to change that all of a sudden. In the Madras memoranda they say quite distinctly that they are sure that the wives' vote will be acceptable. For Bengal and Bihar I can speak quite confidently and also for the United Provinces. I have also had experience of talking to the women of Assam and they all supported the wives' vote and

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[Continued.]

do not think it is derogatory in any sense

C512. I suppose it would be taken for granted in India as well as in England that a husband may influence his wife's vote and a wife influence her husband's because they would influence each other's ideas?—Yes; certainly.

C513. But would you say that a vote given on the husband's property qualifications would be a less independent vote than that given on some other qualification?—The same argument was used even in this country, when women first got their votes on the husband's property qualifications, but since the vote was given I have heard from ladies who worked during those times. They say that it made no difference to them. I think it would be the same in India, and even if it had some influence I do not see what harm it could do. (Mrs. Mukerji.) May I put forward a point? I do not see how the qualifications would influence the idea of the vote. If the wife got the vote on her own merits, she might be just as much under the influence of her husband.

C514. You recognise that it may exist, but it may not have anything to do with the electoral qualifications?—I do not see how it would.

Mr. M. R. Jayaker.

C515. That is an argument against giving votes to wives at all?—No; I do not see that.

C516. I say the argument would be against giving the wife a vote if she is going to be influenced?—I am saying it is not against it, and it does not affect the vote.

Dr. R. R. Ambedkar.

C517. Quite so?—We are trying to get a strength of vote of the women. We see, by the statistics, that the number of women with independent property qualifications is much lower than that of husbands because in our country, according to the Hindu law of inheritance, the women do not inherit equally with the men. Therefore, naturally, the independent property qualification is much lower with women. Therefore, we want to get a strength of vote in order to progress all the women's causes in India, because, then, we can be in touch with the actual laws passed. If we do not take advantage of this how shall we get the strength of the vote, because the figures show that under the husband's property qualification the figures are

adopted to a great extent in Madras. I need not put the figures before you because you have them already. That is the chief point.

Miss Mary Pickford.

C518. I want to ask you a question about the reservation of seats. Even with a fairly large women's franchise do you think that without reservation it will be likely under present circumstances that many women would be elected to general constituencies in competition with men?—(Mrs. P. K. Sen.) No. In the Madras memoranda the ladies say they have had experience of standing for election and that it would be impossible for women to get on to the seats unless they were reserved seats in the beginning.

C519. They give some figures to prove that which we need not quote because they are in the memoranda?—Yes. (Mrs. Mukerji.) It is quite impossible for them to get into the ropes of these elections which are very knotty and tricky in the very beginning. You must give them a few years.

C520. As it has been difficult for them to get on local boards where the franchise is very extended and women have a large number of votes, it would be more difficult to get on to the local Councils and on to the Federal Assembly?—Yes.

C521. Therefore, you do attach importance to having seats reserved for women so that women may be able to express their points of view?—(Mrs. P. K. Sen.) Yes, under the circumstances. (Mrs. Mukerji.) May I add a point that only for one election and subject to change at the next election.

C522. Only one election?—Because one election carries you 5 years. Supposing in those 5 years, we are able to stand on our own merits, we ought to be given a chance of doing so and if we find we are not able to stand on our merits we can abide by that for another election, but 5 years is a long time. It should be only time for us to get into the ropes and the working of it.

C523. It would be one election only, would it not—5 years?—It would be a good thing to give us the option of the one election.

Chairman.

C524. That is the maximum statutory period; it might conceivably be shorter, —“accidents happen in the best of regulated families”?—It would not be shorter than 4 years, would it?

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[Continued.]

*Mr. M. R. Jayaker.*

C525. The first election would come at the beginning of this 5 years' period and not at the end?—Yes.

*Miss Mary Pickford.*

C526. I think you are strongly in favour of the literacy qualification for women?—(Mrs. P. K. Sen.) Yes; certainly. We should have the literacy qualification restored as was proposed by the Indian Franchise Committee.

C527. You have seen no doubt the proposals in the White Paper that the women who might be voters under their husband's property qualification should have to apply. Do you think that would largely reduce the number of people who would actually be placed upon the roll.—Yes, certainly, much more than has been estimated by the White Paper—very much more. I do not think you would get one woman out of 10 applying for the vote if they have to apply.

C528. The arguments have been put forward that there would certainly in some parts of India be objections to the officer responsible for the drawing up of the roll making a kind of rather detailed enquiry which would be necessary in order to place the name upon the roll. Have you any criticism to offer from your own experience in the Provinces that you know?—I have not actual experience, but I could say that the difficulty could easily be overcome by saying "The wife of so-and-so". There would be absolutely no difficulty that way. I think it has been over-estimated—the difficulty about the officers going and making enquiries like they do. Is that what you refer to?

C529. Yes?—I think the difficulties have really been over-estimated and it can easily be done because the husband's name will be put on the roll; at the same time the wife's name also could be put on the roll. I do not see the difficulty there.

C530. You realise that any person who is placed on the electoral roll has to be absolutely identified. Do you think it would be sufficient to say "The wife of so-and-so", without giving the name?—Yes; I think that would be because the husband would be there. He would be able to identify the wife.

*Mr. R. A. Butler.*

C531. Mrs. Sen, may I ask you a question about paragraph 5 of your first memorandum 41? Do you know if there

are any records in Bengal which would make it possible easily to establish a lower educational qualification than the one suggested?—No; I have not been able to find that out, I say quite frankly, but there must be some way of having educational qualifications tested. I have not gone into those details further.

C532. The next question was about paragraph 12 of your memorandum. You say that the qualifications for the Upper Chamber should be such as to secure the eligibility of a considerable number of women?—Yes.

C533. Does that refer to proposal No. 27 of the White Paper which gives the qualifications for a member of the Council of State?—Yes.

C534. Would you regard those as shutting out women candidates for the Council of State?—Yes, but we wanted educational qualifications as well.

C535. You say "the qualifications"; I wanted to know whether you meant the qualifications for membership?—Yes.

C536. That is what Proposal 27 refers to?—I have not studied that question.

C537. Would you be able to tell us what further qualifications you would like added for the sake of women?—I think, if you admit the wives of propertied men in the Lower Chamber, you could allow them also in the Upper Chamber.

C538. I think we are at cross purposes, because I take your memorandum to mean the qualifications of candidates for the Council of State as apart from the question of franchise?—Yes.

C539. Is that what your memorandum means?—It says "the qualifications for the Upper Chamber should be such as to secure the eligibility of a considerable number of women." That is what I have said, and that is what has been said in the Madras memoranda also. The White Paper is not quite clear on that point.

C540. I want to get clear whether you are referring to the qualifications of the candidate, that is to say, that he should be over 30 years of age and so forth, or whether you mean the franchise, because it is different surely in your memorandum?—I mean the former.

C541. Which are you referring to there?—The qualifications of the candidate.

C542. You only refer to the qualifications?—Yes. We want representation there too, because it is most important that we should be adequately represented in the Upper Chamber, which is the most conservative Chamber, I should say, as regards women's legislation.



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[Continued.]

C543. My question was restricted solely to the qualifications, and I wanted to ask you whether you had any other suggestions to add to Proposal No. 27 of the White Paper?—No; I have not. (Mrs. Mukerji.) May I suggest something, and that is to give educational qualifications, not of a very high standard, but something like upper primary?

C544. I wonder if you would refer to paragraph 7 of Memorandum No. 43 from Madras. This memorandum says that the Government do not give any figures or state reasons for arriving at the ratio of 1 to 7 as a figure?—(Mrs. P. K. Sen.) Yes.

C545. Perhaps it would help you if I told you that the gross figure that we have calculated is a figure of one woman to 4.8 men—that is the actual ratio gross?—That is the actual ratio?

C546. Yes. The gross—before you allow any deductions for overlapping?—There would be a large number of deductions.

C547. That is why I am giving you the explanation which is asked for in this memorandum, and I can give you actually the figures, if you desire, upon which it is based?—(Mrs. P. K. Sen.) It gives 1 in 7 here.

C548. I may explain to you the gross figure is 1 to 4.8, but when you have allowed for the overlap of the different qualifications you arrive at the figure of 1 to 7?—Yes, I think that is what it is.

C549. Do you not regard 1 to 4.8 as a gross figure as being more satisfactory?—Yes, that is, of course, more satisfactory.

Sir Hari Singh Gour.

C550. Can you avoid an overlap?—We cannot avoid overlap because there are some women who would come under the literacy qualification and who would have husbands.

C551. Who would be married?—Yes.

Mr. F. S. Cocks.

C552. May I ask you about the education qualification? Do you hold that the only education qualification should be simply literacy?—Certainly.

C553. Coming to the election to the Assembly, do you know how it is proposed that women should be elected to the Assembly—that is to say, it is proposed they should be elected by the members of the Provincial Legislature?—Yes.

C554. Are you in favour of that?—No, we do not agree with that, because that would be an indirect election. We want some form of direct election. It would really be much better and it would educate the women for what they had to

face later on. Some form of direct election is what we would prefer, and I think that proposal that the capital town should be the constituent area and women from all over the Province would be allowed to stand for election is a proposal which appeals to us. Under that it would be taken by rotation. That would be really much more satisfactory than having indirect election.

C555. You think it would be the best method?—I do think so.

C556. You were asked just now by Mr. Butler about the qualifications for the Upper Chamber. The qualification for a member of the Upper Chamber is, first of all, a property qualification?—Yes.

C557. Secondly, he must be a member of another Legislature, a Provincial one or a Federal one?—Yes.

C558. Or must hold any special qualification conferred for distinguished public services?—Yes.

C559. Those are the three qualifications?—Yes.

C560. You think that would rule out a great many women?—Yes. There would be very few, in fact none, there, because many of them have not got the property qualification, and in the case of the other two qualifications they do not apply to Indian women at all.

C561. What I would like you to state, if you could, is what additional qualification you suggest?—Perhaps matriculation qualification for the Upper Chamber.

C562. You consider Matriculation should be a qualification?—Yes. Perhaps for the Upper Chamber you may need a high qualification, but at the same time I feel it would be shutting out women who are doing important work. Many of them have not even the Matriculation qualification. But if you want women in the Legislatures in the beginning of the Constitution you would perhaps have to do with the Matriculation test, but even then there would be very few women's women who would be able to show that.

Sir Hari Singh Gour.

C563. They would have to contribute to the discussion in the Upper Chamber, and they would play a very responsible part in the administration of the country?—Yes.

C564. Therefore, you must have highly qualified women if they are to represent the women of India in the Upper Chamber?—Yes. (Mrs. L. Mukerji.) It is a matter on which a great deal of common



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[Continued.]

sense is also needed. A young woman who has very high qualifications would not be as capable as an older woman who has had experience of social work but has not the advantage of academical qualifications.

C565. That commonsense must be brought home to the other members of the Upper Chamber, otherwise that commonsense is no good at all?—(Mrs. Sen.) But our statistics show that many of the chief women workers have no academical qualifications, and therefore you would shut them out if you put on a very high qualification.

Mr. M. R. Jayaker.

C566. Among those who are at present prominent women workers for the women's cause how many have academical qualifications, speaking in the language of percentage?—Very few. I cannot speak in percentages, but certainly the percentage is less than 50 per cent.

C567. You apprehend that by setting up academical qualifications of that kind these women who have been pioneers in the movement would be shut out?—Yes.

C568. Which would be very disastrous?—Yes, I think so. There are very few of us who have academical qualifications.

Mr. F. S. Cocks.

C569. Would you be in favour of the wife of the man who had property qualifications for the State Council being eligible for the State Council?—(Mrs. P. K. Sen) Yes, I think so, because their social status would be the same, and I think that would be quite fair.

C570. Have you any views as to how they should be elected to the Council of State?—Well, there are no reserved seats now, and since in the White Paper you are giving reserved seats in the Federal Legislatures and the Provincial Legislature, the should be reserved seats in the Upper Chamber also, because here it is most important that women should be represented. But it is very difficult to say the numbers—I do not know what the proportion should be—but we want at least some reserved seats there.

C571. The Governor-General has power to nominate 10 members to the Upper Chamber?—Yes.

C572. Would you be satisfied if it was said one or two out of the 10 should be women?—I do not think we should like that at all—without some form of an election—some kind of election would be much better.

C573. Do you mean some form of election by women or by general electorates?

—No, by general electorates. (Mrs. L. Mukerji.) From each Province, I should say—an open election, not chosen from the Provincial seats in the Council.\*

Chairman.

C574. Direct?—Yes.\*

Mr. F. S. Cocks.

C575. You say in your memorandum that women in India have always been free from communal differences?—Yes.

C576. Could you expand that a little? Do you mean to say that women in India have never been interested very much in the differences between the various religions?—No, I do not think so, really. They have had no communal differences so far. They are united on that one point at least. In any work that we do in any of the Provinces—and I have worked on various bodies—we do not find this communal question coming in at all.

C577. Is it confined to the men?—So far, I think. It might penetrate, I think, to women also, but we do not want it.

Sir Hari Singh Gour.

C578. And it does not penetrate in a good many men either?—(Mrs. L. Mukerji.) In Bengal we had a representation to the Governor from the women there, and there were women of all types—Gujeratis, Muhammadans, Hindus, Marathas, Parsees, and Bengalis. I am a member of at least six or seven associations in Calcutta, and the communal question has never come in.

Mr. F. S. Cocks.

C579. You feel no rivalry or enmity in that respect?—Rivalry in ordinary circumstances in life but not communal.

Chairman.

C580. How do you account for that fact? Can you account at all for the fact that the communal differences are much less to be observed in the case of women than in the case of men?—I think because the communal differences come in the professions. It is in the rivalry in professional qualifications that they come in and the men stick to them; but we have not any professions, and no rivalry so far has been produced—we have not come in contact with the idea at all.

\*Note.—Subsequently, in correcting the evidence, the witness wished the following reply to be substituted for the answers to Questions C573 and C574:

“The election to these seats might by the women members of all the Legislatures who might form an electoral college for the purpose.”

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[Continued.]

This communal idea comes in when you come in contact with the rivalry for posts in public positions or in professional occupations. That is usually the point where the communal idea comes in and one considers there are so many Muhammadans and so many Sikhs. But with women not having to go for that, the idea never comes in at all.

C581. In your experience do the communal prejudices arise in the case of boys in the home?—No, I do not find it so at all.

C582. About what age in the case of boys does the communal prejudice begin to show itself? Is it when they leave the home?—I think, decidedly, when they enter into their professions.

C583. That is your strong impression?—That is my strong impression. There is always something common touching the case of women which brings them together, and they never think of communal ideas. I have worked alongside with Muhammadans, Hindus, Gujaratis, and when there is rivalry for some post in the Association, such as office bearers, the communal idea honestly has never come in at all.

Mr. M. R. Jayaker.

C584. Do not they come in when the young child is sent to the communal school or college?—Yes, that is why we are so much against the communal school, but on going to the Hindu school, I do not think the children think really about the communal idea—as mothers, we must say so, I think.

C585. If a child goes to a Hindu college or a Hindu university, or to a Muslim college or a Muslim university, does it not become tainted with communal ideas by reason of its isolation from the general community?—I do not think so. In the case of a child of that age the professors do not touch on these points. It is only instruction that is given. Until they begin to go into the world and think of these social distinctions, which come from going into the world, according to my experience, I have never found a child has touched on communal differences in his speech or in his conversation. (Mrs. P. K. Sen.) May I supplement that? We in fact passed a resolution at the All-India Conference, asking for the doing away of these communal institutions. The women are very much against these communal institutions—we do not want them.

Begum Shah Nawaz.

C586. Is it not the fact that the woman's movement is international in its outlook all over the world?—Yes.

C587. Is it not also a fact that in this matter we have the support of all parties?—That is so.

Dr. B. R. Ambedkar.

588. Is it to be inferred that these communal differences would very likely spread to the women if the women were to enter the professions?—(Mrs. L. Mukerji.) I do not think so. I think that woman by nature is free from such communal feelings on account of her sex.

C589. For instance, to-day the struggle or scramble for jobs and professional appointments is really confined to the men?—Yes.

C590. Largely, because women in India are not earning members of the family?—I quite see your point.

C591. Therefore, to take the case of education, if a large section of women along with men were entering that profession, and other professions as a result of education, on your own analysis, perhaps the thing would develop among women?—It is quite possible. I cannot answer that point until we see the result.

C592. I appreciate that, but I just wanted to put the point to you?—I feel in a future time, when our women will be in a position to go into the professions, that the communal business might die out altogether. I anticipate that.

Dr. B. R. Ambedkar.] I hope so.

Chairman.

C593. You think women have more common sense than men?—Yes, I honestly think so.

Begum Shah Nawaz.

C594. They are supposed to be "the better half"?—One of our poets, writing in the fourteenth and fifteenth century, said: "Women are born diplomats".

Chairman.

C595. Well, I must preserve complete impartiality on that?—Men have admitted that women are more intuitive, and if you are more intuitive, you act on your common sense. Men are more likely to base their arguments on facts, but women will go on their intuition and I think that all goes in with common sense.

Chairman.] The great advantage of acting on intuition is that you cannot be proved to be wrong.

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[Continued.]

Mr. Cocks.

C596. I will not pursue that point, but does what you say as to the comparative immunity of women from communal differences apply to such questions as Untouchability?—Yes, so far women have accepted Untouchability as it is because you must understand that Untouchability sprang up from hygienic principles. The Untouchables usually led unhygienic lives and, therefore, we had to isolate them. We accepted it as a tradition, and, generally, because of hygienic principles, all these Untouchables were isolated. Their professions were rigid then, but, since they are not so much tied to their professions, the Untouchable idea will also die away, I think

Sir Hari Singh Gour.

C597. Untouchability is a heritage of law?—But there was the hygienic principle, too.

C598. As those laws have been relaxed, Untouchability is going?—Yes, but the chief idea was that, if a man had to deal with unhygienic things, we did not like to bring him into the home and let him touch anything. Often he would be dealing with refuse, and, naturally, even women when they have children and want them to be sanitary and clean did not like them to touch him. But it was on no other ground. It was based on purely hygienic principles. Now that we are having sanitation and all modern methods and ideas of cleanliness, we feel that this idea of Untouchability will die out. It was not due to any prejudice from the women's point of view that there were any restrictions in the matter of Untouchability.

Mr. Cocks.

C599. Would you say with regard to legislation affecting women and children that India is not so advanced as many other countries in the West?—I think so.

C600. Do you think that such legislation will not have much chance of being carried out unless there is a large body of women electors?—Certainly, because the men do not have time to think of these things—they are so full of administrative difficulties that with them come first, but to the women the social welfare of the community would be the first idea. In the case of men, so often the first idea is something quite different.

Sir Hari Singh Gour.

C601. May I explain to you what we have been doing this morning. This morning we have been examining

Rajkumari Amrit Kaur and Mrs. Hamid Ali, and they entirely agree with you that communalising is the bane of nationalism and must go. They are not in favour of any communal electorates?—(Mrs. P. K. Sen.) Quite so.

C602. You agree with them so far?—Yes.

C603. I see from your memorandum that you differ from them on this point, namely, that you want the wife to have the husband's qualification and so can go on the roll?—Yes.

C604. They say we do not want the wife to have the qualification of the husband, but she should go on the electorate roll on the strength of her own qualification?—Yes.

C605. That is one point on which you differ?—Yes.

C606. That is the only one on which you have any real difference with them, otherwise you entirely agree with them?—Yes.

C607. That is a point of detail?—Yes.

C608. What you really want is a larger vote for women. It does not matter how it is got—that is the only question between you on that?—Yes.

C609. And they also want a larger vote for women. It does not matter how it comes, though they have a prejudice against the wife getting a vote upon her husband's qualification?—(Mrs. Sen.) That is quite right, but as I have already said, we have also got a disinclination to leaving out the rural areas.

Dr. B. R. Ambedkar.

C610. There is just one question I would like to ask you, Mrs. Sen. You have explained your views with regard to the representation of women in the Federal Lower House, and you have stated your objection to the provision made in the White Paper for indirect election?—Yes.

C611. I do not find anywhere your views as to the provisions made for the representation of women in the Provincial Legislatures, except, of course, that you have expressed generally that you would not like any provision which savours of communalism?—Yes.

C612. Have you anything to suggest on that?—I did not quite follow the question.

C613. In the Provincial Legislatures several seats are provided which are to be filled by women?—Yes.

C614. No detailed provisions are laid down in the White Paper as to how those seats are to be filled. It is Appendix III, of the White Paper, on page 93. Under

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[Continued.]

"General," Madras, out of 152, 6 women; Muhammadan, 29, including one woman. This is all the provision that exists in the White Paper, so far?—We would like to do away with all these communal reservations. If you would give us six seats in each of the Provinces, that would be much better, and we should be able to fill these seats with the best women available.

C615. Have you any other method by which these six seats could be filled up?—Yes; capital city, for the Federal Assembly. I have already answered that question. It would be the same for the Provincial Assembly also. The capital city and other principalities would be the constituent areas of the Province, it would be a small electorate. It would not mean so much expense, and women from all over the Provinces would be able to stand for the seats.

C616. You would have one capital city to return six women in Madras?—No. They would have their separate constituencies for different principalities of the Province.

C617. The question I wanted to ask was how far you agree? Would you be prepared, as a matter of concession to the communal sentiment of the various communities, that while making arrangements on the basis of a joint electorate for the return of such women in the Legislative Councils, to have a permission reserving a certain number of seats, for instance, for the Muslim women, keeping the total the same?—We are against communal reservation.

C618. I can quite understand your objection to having a separate electorate of Hindu women to return five Hindu women and a separate electorate of Muslim women to return one Muslim woman. What I want to know is this: Whether you have also the same objection to a system in which both the Hindu women and the Muslim women would vote together in a common constituency—a joint constituency, with this reservation, that, at least, one seat would be reserved for a Muslim woman?—They would all vote for the Muhammadan lady.

C619. I know that you would probably be so generous that you may give more. Would you be prepared to approve a reservation being made by law that just one should be reserved for a Muslim woman?—Yes; that is already there, and we have to accept that.

C620. That may be on the basis of separate electorate, it is not stated how

it would be. Therefore, I wanted to get your opinion on the matter. The detailed provisions as to how these six seats in Madras are to be filled are not found in the White Paper?—That should be a joint electorate of men and women?

C621. I do not know. At least Mr. Butler might be able to enlighten us as to how these six seats are going to be filled?—(Mrs. Mukerji.) We do not, if it can be avoided, want any communal distinction.

Dr. B. R. Ambedkar.] I quite follow you. I am asking you whether you would be prepared to moderate your objection, to this extent, that you would have a joint electorate with one seat reserved, so as not to disturb the communal balance.

Mr. Butler.] I think that Dr. Ambedkar will find this at page 91, paragraph 8: "The precise electoral machinery to be employed in the constituencies for the special women's seats is still under consideration."

Dr. B. R. Ambedkar.] Therefore, I was asking whether these seats would be filled by separate electorates of women in the general constituency; it is not made clear here. I do not know how it is done, because I find in the Table given on page 93, seats allocated under separate heads. Under "General," six women's seats, under "Muhammadan," one; that rather gives me the impression that you would have a separate electorate of Muslim women only, so that the result would be that 28 would be men, and one a woman. I do not know; I seek for information upon the point.

Chairman.

C622. I think we had better use this afternoon in getting information out of the Witnesses. Will you return to the point?—(Mrs. Sen.) It would not be at least a separate women's electorate.

Dr. B. R. Ambedkar.

C623. If left to you, you might give them all the six, or more than that?—Quite.

C624. I mean, in view of the fear that there may be none?—Yes.

Mr. M. R. Jayaker.

C625. Do I take it, Mrs. Sen, that your objection is to a communal reservation of women's seats on the basis of communalism, as also to a communal electorate? Is that so?—Yes.

C626. And that, even if the election was made by a joint electorate of Hindu

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men and women and Muslim men and women, your objection would be the same, if the reservation was in favour of a Muhammadan woman on the basis of her caste?—Yes, we do not want it

C627. Even if the electorate were joint between the two communities?—No, not if it were joint.

C628. If the electorate was joint, would you agree to the reservation of one or more seats for a Muhammadan woman?—Yes, we would agree to that.

C629. I am asking you, because in the morning evidence was given and the Witnesses expressed their view to be very strongly both against communal reservation seats and communal electorates. Therefore, may I take it, that your view on that point is different from their view?—It is not different from their view. We have all along said that we do not want any communalism. Of course, if it is thrust upon us, we shall have to do it.

C630. I am asking your opinion, and I am putting a specific question. Supposing the election was by a joint electorate of men and women, Hindu and Muslim, but there was to be one or more seats reserved for a Muhammadan woman, what would be your view?—I would have no objection then, because we would have no other way, I think.

*Sir Hari Singh Gour.*

C631. She says she has no objection, in the circumstances; not that she has not an objection in principle?—Of course, everything is under the circumstances.

*Mr. M. R. Jayaker.*

C632. Then I find that in your Memorandum, paragraph 9, you approve of the wives' vote?—Yes.

C633. May I know if your opinion is shared by a large number of women from the Province which you represent?—Yes, a very large number.

C634. What would be the opinion of those women whose only chance of coming into the electorate would be through the wives' vote? Would it be in favour, or against, this method?—In favour, of course.

C635. Is the charge just and true that those who are at the present moment opposed to this method are mostly women who already will come in by some other door, either the education qualification or the property qualification? Is that charge true?—Yes, quite true; they would all be coming in under the literacy qualification.

C636. Therefore, it is the opinion of women who are already enfranchised?—Yes.

C637. Have we the opinion of women who would not be enfranchised, except through the wives' vote? Has any such opinion been ascertained by some tangible method?—Yes. We have had experience in the rural districts, and they would be quite prepared to accept that.

C638. Then you go on in that paragraph to say that you want some method which would bring up the voting strength to the requisite number. I take it you mean by the requisite number, the number proposed by the Lothian Committee?—Yes; that is quite the minimum.

C639. That is 1 to 4?—That is 1 to 4.

C640. Do you think that is the minimum?—That is the minimum.

C641. Supposing if it was something less than that, 1 to 8, or 1 to 9, do you think there would be considerable uproar and dissatisfaction among the women of India?—I am quite certain of that, and it would be of no use, because women will not go to the poll, if they are very few in number.

C642. Do you think that the dissatisfaction would be so extensive and marked that it might lead to a suffragette movement in India?—Quite possibly, although we are quite moderate in our views, and, as you find, our demands are quite moderate; but if it is less than the Lothian Committee has recommended, I am sure there will be a very great uproar against it.

C643. Do you think that the political sense and the keenness for the vote amongst women is so great at the present moment that it may lead to a movement of that character?—Yes, quite possibly.

C644. Now some difficulty has been put before those who are considering this question in this country, arising out of the Hindu custom that in the presence of elders in a Hindu family the woman does not ever mention the name of her husband or the husband does not mention the name of the wife. You are aware of such a thing in orthodox Hindu families?—Yes. The wife does not mention the husband's name. The husband does.

C645. We will take it that the wife does not mention the husband's name. Am I right in saying that it is purely a question of social etiquette?—Yes; and it is dying out now. At the present time we find our daughters and daughters-in-law mentioning their husbands' names. (Mrs. Mukerji.) But not amongst the masses.

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C646. But do you think that that presents any difficulty in the machinery about the wives' vote?—(Mrs. Sen) I do not think so.

C647. You think it is over-estimated?—Yes, it is over-estimated; I have found that

C648. Then I ask the last question about applications. Supposing the necessity of applications was insisted upon, you said there would be a very large reduction in the number. Can you give us some idea what the reduction would be? Supposing it were 4,000,000 women who were asked to vote and the further necessity was that they should apply a year in advance, how many do you think would drop out?—I do not think that even 1,000,000 would apply.

C649. It would be safe to say that about three-quarters would drop out?—Yes.

Marquess of Lothian.

C650. You said before, 1 in 10?—I did say 1 in 10 before, yes.

Sir Hari Singh Gour.

C651. It is only a guess, but she says it will be a very small number?—Very small; it would be almost infinitesimal. (Mrs. Mukerji.) The difficulty of mentioning the husband's name may be overcome by the woman writing or getting someone else to speak for her, because I think in many cases a woman will not be able to mention her husband's name.

Mr. M. R. Jayaker.

C652. But you are aware that, in the Law Courts, when a wife is a Witness she has to mention her husband's name, and often does it?—Yes.

C653. So I take it that this practice, assuming it was at one time prevalent, has actually disappeared now?—Yes. (Mrs. Mukerji.) That overcomes the difficulty, if you think they will do it, as they do it in the Law Courts. (Mrs. Sen.) It is dying out now; there is no doubt about it.

C654. How many Hindu women, taking your experience in your own Province, will experience that difficulty now, in modern times?—I think two out of ten would not mention the name of the husband.

Sir Hari Singh Gour.

C655. But those will get a neighbour to mention the name?—Yes, they will get somebody else.

Marquess of Lothian

C656. How many husbands will mention the wives' names?—They are all allowed to.

Dr. B. R. Ambedkar.] That is the point, whether the husband will mention the name of the wife I think 10 out of 10 would.

Begum Shah Nawaz.

C657. Mrs. Sen, could you tell me whether the membership of the organisation which you are representing here to-day is confined only to one community, or whether you have members belonging to all the communities in Bengal?—(Mrs. Sen.) To all communities. The original Memorandum was signed by all communities; I do not know whether it is before you, or not?

Chairman.

C658. Has that been handed in?—Yes, I sent it in, the original copy which was submitted to the Indian Franchise Committee, and it has been signed by all communities.

Begum Shah Nawaz.

C659. You are one of the original members of the All-India Women's Conference. Is that not so?—Yes, I am.

C660. You were the Treasurer of the Standing Committee at one time, and you were Chairman of the Standing Committee also?—Yes, I did.

C661. You are still a member of the All-India Women's Conference?—I cannot say that I am a member of the All-India Women's Conference, because I did not attend the last two Conferences, and I was not elected on the Standing Committee for that reason.

C662. Is it true, or is not, that you have not been able to attend any meeting of the All-India Women's Conference for the last two and a half years, whether a half-yearly or the annual Session?—Yes.

C663. Therefore, would it not be true to say that you have not been in touch with the opinion of the majority within that organisation?—I cannot say that, because I was getting the papers all right, up to last December. I was Vice-President up to last December, and I was getting all the information. In fact, I was taking part in all the business.

C664. Would I be wrong in saying that almost all the constituencies of the All-India Women's Conference have decided against the wife's vote?—It might be so



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on paper, but, of course, the constituency does not mean a very large number of women from each Province.

C665. Is it not the fact that there are sub-Committees of the All-India Women's Conference working in almost all the district towns, that delegates are elected who go and take part in these sub-Provincial or Provincial Conferences and then Delegates are elected who go and take part in the annual Session which is held in every year in one Province or another?—Yes, that is so, in theory, but I cannot say that it is done in all the Provinces. With regard to Bengal, it was purely from Calcutta; they got ten members to be Delegates; none from the districts, even from East Bengal, which is a very large constituency. East Bengal has not been represented at all.

C666. But have you only one constituency working in the whole of Bengal of the All-India Women's Conference?—There are supposed to be three existing constituencies, but, in fact, only one is working.

C667. It is not so in my Province, but I shall not press the point any further. I suppose you are aware of the objections which the women in these organisations are putting forward against the wife's vote? One of the objections is this: That it is the quality of the vote that matters to them, far more than anything else?—Yes, we are aware of that.

C668. That they want the vote to be such as would raise their status in life, and getting the vote through their husbands would not help them to raise that status?—Yes. We have balanced both their and our proposals, and we find that it would cause very great injustice to leave out the rural women. That is one reason for supporting the wife's vote—one of the main reasons.

Mr. M. R. Jayaker.

C669. Can I say that you regard this merely as a question of sentiment, that their status when based on their husbands' property would be lowered?—Yes, I think so, to a certain extent.

Begum Shah Nawaz.

C670. There is one other objection, Mrs. Sen, that the majority of these women feel that if the wife was not given the vote just because she happens to be the wife of the voter, then some of the women in some of the other communities where they are inheriting property would

come on to the electoral rolls, and, as you and I are both aware, most of these communities are vying with each other in voting strength; this would mean that the women who at present are not enjoying their rights of inheritance in other communities, could get those laws altered if that vote is not given to them just because they happen to be the wife of the voter?—I do not think there is anything in that. I think that if we have adequate representation in the Legislatures the women themselves would be the best persons to alter the laws. Some of the social reformers like Mr. Jayaker and Sir Hari Sing Gour have tried their best to reform the Hindu law, but there are many obstacles in the way. It is not likely that because women will be on the rolls on their husbands' property qualification the reform of the law of inheritance will take long in coming. On the contrary, I think it is more likely that if the women were there these laws would be easily changed.

C671. Would not the orthodox members be compelled to give the women their rights of inheritance if their getting the vote depended on their having a property qualification?—I do not think so.

C672. Supposing that the Joint Parliamentary Committee could find a feasible qualification which would give the woman the vote in her own right, you would have no objection to that qualification being accepted?—No, certainly not, if some other method could be found which is better than the wife's vote we would have no objection.

C673. Am I right in concluding from your evidence that you accept the property and literacy qualifications recommended by the Lothian Committee, and you are also prepared to accept the wife's vote for this transitional period, as one would call it?—Yes, that is so.

C674. And it is your demand that the minimum number of women voters that would be acceptable to almost everyone in the whole of India is that recommended by the Lothian Committee both for the Provincial and Central Legislatures?—Yes, that is so, except that we have proposed a little more in the Federal Legislature than the Lothian Committee has proposed. If it is impossible we should have to fall back on what the Lothian Committee has recommended. Any number which is less than 6,200,000 for the Provincial Legislature would be quite unacceptable.

C675. You are aware, Mrs. Sen, that we have many women's organisations in



29<sup>o</sup> July, 1933.]

Mrs. P. K. SEN and Mrs. L. MUKERJI.

[Continued.]

my country, some of them working in Provinces alone, others are All-India Associations like the All-India Women's Conference?—Yes, I am aware of that.

C676. It is a fact, is it not, that none of these organisations have sent any representative over here to give evidence before the Joint Parliamentary Committee?—Yes.

C677. None of these other organisations, I mean?—No, they have not.

C678. May I know why, when it was decided by the three All-India Women's organisations to send certain elected representatives, your organisation, which happens to be more or less confined to one province only, decided to send a representative to give evidence here?—While I am representing Bengal, I am submitting the other two memoranda which represent the views of a large number of women from Madras; they also agree with us, and then I can speak from personal knowledge of Bihar, because I have worked quite a great deal in Bihar. The women in Bihar would be quite agreeable to accepting the wife's votes.

C679. Is it because you feel that the wife's vote perhaps is the only feasible qualification at present by which you can get a large number of women voters, that you decided to send a representative here?—Yes, that is so.

C680. You would agree with me, would you not, that if there are to be reserved seats for women they should be given to them in all the Provincial Assemblies as well as in the Central Legislatures?—Yes, certainly they should be.

C681. There should also be reserved seats in the Upper Chamber, as you said just now?—Yes, I have said that.

C682. You are against indirect election to the Legislative Assembly, that is to say, the Lower House, are you not?—Yes, I am against that.

C683. One of your objections to that indirect election would be this, would it not, that if it is left in the hands of the members of the Provincial Councils it would mean that women belonging to the majority party only will get elected to the Federal Assembly who, in many cases, cannot be your and my real representatives?—Yes, that is quite so. They would not be the women's women, which is what we want really.

Marquess of Lothian.

C684. I have only two questions, I think. I think, Mrs. Sen, you hold the view, that the administrative difficulty of ascertaining the wife's name is not as

great as has been suggested in evidence?—Yes.

C685. And that, by one means or other, the wife's name could be obtained?—Yes.

C686. What amount of difficulty do you think there would be in actually polling women? Will they require women officers in the polling booth and separate entrances, or do you think that will not be the case?—Separate entrances would be necessary, I think, in the beginning, and perhaps one woman to help. That would be quite enough.

C687. You do not think, from your experience, that the actual business of polling women voters who want to come and record their votes will create great difficulty? You do not think the fiscal problem of polling the women voters, if they are not more than, say, one in five, will be a very formidable problem?—I do not think it will be. As matters are progressing at the present moment, I do not think there will be any difficulty in the polling.

C688. Have you had any experience?—I personally have not had, but Mrs. Mukerji attended a polling booth, and perhaps, if you wanted to know, she could add to my answer. (Mrs. Mukerji.) We had a municipal election at Calcutta some years ago, and it was organised by women, and I think it was very successful, and we got more women than we anticipated to come there, and even purdah women. There was a larger number of purdah women than we expected.

C689. Did you make any special arrangements in that respect?—They had purdah arrangements for the purdah women to come.

C690. Were the polling booths manned by women polling officers?—Yes, they were manned mostly by women.

Dr. B. R. Ambedkar.

C691. Was there a woman candidate in the election which you canvassed?—Not at that time, but later on there have been.

Marquess of Lothian.

C692. Only one other question, Mrs. Sen. You said earlier on that under the proposals of the White Paper, if I understood you correctly, a large number of women who had been most actively engaged in social work and political propaganda would be disenfranchised. Did I understand you correctly?—(Mrs. Sen.) How?

C693. I understood you to say under the proposals of the White Paper a

29<sup>o</sup> July, 1933.]

Mrs. P. K. SEN and Mrs. L. MUKERJI.

[Continued.]

large number of women who are to-day in the forefront of the women's movement and social reform would not, in practice, find their way on to the electoral roll?—Yes, if a high educational test was applied.

Marquess of *Lothian*.] The White Paper proposal.

Sir *Hari Singh Gour*.

C694. If the educational test for women is the same as for men?—Yes, that is true.

Marquess of *Lothian*.

C695. You think that the difficulty would be removed by the literacy qualification. That would, in practice, bring all the women who are actively engaged in social and public work on to the roll?—Yes, most of them

Miss *Pickford*.

C696. A suggestion has been put forward for enfranchising the pensioned widows of soldiers who were killed in the War, and also the wives of men who will be voters under the Military qualifications, that is men who have served in the Forces. Has that suggestion been brought to your notice, and, if so, would you like to make any observation on it?—Yes, it has been brought to my notice, but it would hardly apply to the Indian women at all.

C697. There would be very few in Bengal?—There are very few in Bengal, and also in the other Provinces

C698. Really you have not considered it very much?—No; we have not considered it very much, because we did not think it would serve any useful purpose.

C699. But you do not see any objection to it in principle?—No, not in principle, but if it does not enfranchise quite a number of women we do not see the use of it at all.

*Chairman*.

C700. Just one question: In the rural areas of Bengal which you know best do the women go to the market town?—(Mrs. *Mukerji*.) Yes.

C701. Does that constitute an occasion which has been used or might be used in order to prosecute political activity amongst women?—I think that might, yes, on a market day you would get the women. Nearly all the women do attend the markets in the villages, and that would be a good idea.

C702. Has there, in fact, been any political activity amongst women of the rural classes in Bengal in the rural areas?—Yes, there has been some. (Mrs. *Sen*.) Yes, quite a lot (Mrs. *Mukerji*.) In the vernacular paper they seem to be in touch with all the political movements, sometimes even more than the town women you find in some places.

*Chairman*.] Thank you. We are very greatly obliged to you ladies for helping us this afternoon.

(The Witnesses are directed to withdraw.)

## SUB-COMMITTEE D.

DIE LUNAE, 16° OCTOBRIS, 1933.

Present:

Lord Hutchison of Montrose.  
Major Attlee.  
Mr. Butler.

Sir Reginald Craddock.  
Mr. Davidson.

The following Indian Delegates were also present:

Dr. B. R. Ambedkar.  
Sir Hari Singh Gour.

Dr. Shafa'at Ahmad Khan.

Lord EUSTACE PERCY in the Chair.

Wing-Commander A. W. H. JAMES, M.C., M.P., and Dr J. H. HUTTON, C.I.E.,  
I.C.S., are examined as follows:

Lord *Eustace Percy*.

D1. Wing-Commander James, you were commanding No. 60 Squadron of the R.A.F. in the North West Frontier Province from 1923 to 1925?—(Wing-Commander *James*.) That is correct.

D2. You spent three months among the Gonds and Marias in South Chanda and Ahiri Zemindari, and the Shologas of the Billigirirangans, 1924; two months in the Central Provinces Jungles in 1925; and five months among Bhils of Satpuras, and Shologas in 1926-27?—Yes.

D3. Dr. Hutton, I have your record of service before me. You served in East Bengal and Assam as Assistant Magistrate and Collector from 1909, Assistant Commissioner from 1912, and Deputy-Commissioner from 1920. Your whole service was in Assam, was it?—(Dr. *Hutton*.) I have been in the Census Service of the Government of India for four years.

D4. You were Census Commissioner from 1929?—Yes.

(*Memoranda Nos. 85 and 86 were handed in and are as follows*):

### MEMORANDUM 85 BY WING COMMANDER A. W. H. JAMES, M.P., ON THE FUTURE ADMINISTRATION OF THE "RESERVED" AND "EXCLUDED" AREAS.

(*General Submission.*)

1. That paragraphs 106 to 109 of the White Paper proposals, relating to "Excluded Areas" and to "Partially Excluded Areas," are in need of consideration and definition before the framing of the Constitution Bill.

A study of the M/C Report, the Reports of the Statutory Committee, of the proceedings of the Round Table Conferences, and of the Franchise Committee Report, shows that the problem of the future treatment of the Tracts inhabited by Primitive Tribes has throughout been left vague.\* And of necessity so. Only with the assistance of experts in local knowledge—and they could not, in some cases, be readily found—could the demarkation of Tribal areas be settled, let alone their administrative future be considered; dependent as this must be in no small degree upon the extent of this demarkation.

(*The Situation to be met.*)

2. The Primitive Tribes, numbering in British India between five and six million people,\* are scattered throughout India, usually inhabiting forest areas.† They range from tribes numbering hundreds of thousands, like the Gonds, to tribes numbering a few hundreds, or less, like the Shologas. They are backward, often excitable.‡ They are

\*In Part II, paragraph 187 S.R., the estimated population of the Backward Tracts of British India is given as 13 millions. In the proceedings of the 3rd R.T.C., p. 188, an estimate of 12 millions is given.

†In paragraph 56, p. 29, of the White Paper proposals, Revenues from Forests are, without qualification, allotted to Provinces.

‡There are many more instances of Tribal instability than those commonly quoted, e.g., in 1918 there was a rising in Surguga Feudatory State, Bisalpur, owing to "squeeze" by traders, many banias being killed.

16<sup>o</sup> October, 1933.]

[Continued.]

distinct from the depressed classes,\* and outside the Hindu or Mohamedan religions. Many elements from the Primitive Tribes have settled among neighbouring races, and, becoming cultivators or labourers, have tended to become merged into the depressed classes. It is to the majority, who live as more or less homogeneous blocs, and follow tribal customs and religions, that the attention of the Committee is directed. These people have had special protection in the past, and need it still.

#### Proposals Submitted.

1.—(a) That areas in which a majority of the inhabitants are aboriginals, and which are of sufficient size to form either by themselves, or in conjunction with adjacent areas, convenient administrative units, be *wholly excluded* from the Constitutional Reforms.

(b) That these areas be designated "Primitive Forest Areas," and be administered through a Chief Commissioner, acting under the Governor-General.†

(c) That for their efficient and economical administration a "Forestal Administrative Service"‡ be established, to be 75 per cent. European, 25 per cent. Indian (when the latter can be found).§ Recruitment to this service

\*In appendix VIII, p. 123, the White Paper, no aboriginal tribes are named.

†The combined administrative functions proposed are not without precedents in addition to some mentioned in the S.R., e.g.,

(a) The Dangs. Where for many years the D.F.O. has wholly administered the district, directly under the Collector of Surat.

(b) Burma, where forest officers have magisterial powers in respect of forest offences.

(c) Assam, Mr. Bor, I.F.S., is also political officer, Balipara Frontier Tract.

‡It is submitted that it will be in the interests of the new Provincial Legislatures not to be burdened with such problems, entirely outside the ken of their members, as the tribal areas present. The nominated members, sometimes suggested, to represent the aboriginal interest, will also be avoided.

§In introductory paragraph 70 (iii) of the White Paper proposals, it is laid down that All-India recruitment for the Indian Forest Service should cease. Unless, therefore, some alternative scheme of recruitment is now adopted, the time will come when no European Officers will be available to look after the Primitive Tribes.

to be both direct, and by secondment and/or transfer from the existing Forest Service, Political Service, Army, or other services.\*

(1) See S.R. paragraph 128, end (quoted in appendix p. 5).

(2) In view of the fact that the resident administrators proposed would be able, by acting largely through the existing patriarchal Tribal Machinery, to combine a number of executive functions—Forest work, Revenue, Judicial, Police, etc.—in simplified form, it is submitted that this proposal, which at first sight suggests expense, would in practice prove the most economical and suitable administrative machinery that could be devised.

(3) It is asserted by Forest Officers particularly interested in the Tribes that only a few Indians are as yet to be found in the Forest Service with the peculiar interests and qualifications needed for this task. (See S.R. Part II, paragraph 306 end quoted appendix p. 5.)

2. That where there are enclaves of predominantly aboriginal inhabitants, of insufficient size, or too isolated, to form economical administrative units, these be treated as *partially excluded areas*, to be a Governor's special responsibility, and to be administered by officers of the Forestal Administrative Service, seconded for the purpose in the Provincial Government concerned.

## APPENDIX.

### EXTRACTS FROM DOCUMENTS.

#### Simon Report, Vol. I.

Para. 75. *Madras Agency Area.*—  
... These tribes follow their own animistic and tribal faiths. Their country has hitherto remained entirely undeveloped. While not aggressive, they are excitable and easily stirred to resentment against

\* In order to secure the service of officers with a bent for the work; as in the case with the Political Service, N.W.F.P.

\*Many of the Tribal areas, notably the Madras Agency Area, are extremely unhealthy, reeking with malaria and blackwater fever. In many the climate is very bad. Unless, therefore, an All-India basis is retained, it is difficult to see how officers could spend a reasonable proportion of their service in healthy localities.

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[Continued.]

economic oppression or unsuitable administrative measures. The last of the local rebellions in this area occurred as late as 1922 and was only suppressed two years later with the help of a strong detachment of the Assam Rifles.

The Laccadive Islands and Minicoy, which are inhabited by primitive peoples living in a patriarchal stage of civilisation, and also administered by the Governor in Council of Madras as a "backward Tract" in accordance with simple and elastic regulations.

S.R., para. 80. *Backward Tracts of Bengal*.— . . . Part of the Darjeeling district lies in the plains with a population mainly Bengali; the remainder is in the Himalayas, rising at one corner to 12,000 feet, and contains numerous hill-tribes with religion, customs, and language quite distinct from the rest of Bengal.

The Chittagong Hill Tracts . . . the population is about 170,000, and the people are as primitive as their agricultural methods.

S.R., para. 86. *The Punjab, Backward Tracts*.— . . . The Himalayan valleys of Lahaul and Spiti. . . . They present no administrative problems and their local affairs are satisfactorily transacted under a patriarchal dispensation. To preserve this simple form of administration these areas have been notified as "backward Tracts" and excluded from the Reforms.

S.R., para. 88. *Excluded Areas of Bihar and Orissa*.— . . . Owing to their large aboriginal population the five districts of Chota, Nagpur, together with the districts known as the Santal Parganas and Sambalpur, are partially excluded from the Reforms, and the district of Angul is wholly outside them. These backward races are commonly supposed to be remnants of pre-Aryan autochthonous peoples into whose strongholds in the hills and forests the invader found it difficult and unprofitable to penetrate. Some of them live by hunting, and by a type of shifting cultivation which we have described in writing of the backward tract of Chittagong in Bengal. In the valleys, the tribes have with great labour terraced isolated fields, producing abundant crops, but at no time before the establishment of British rule were these plots coveted by the plainsman, for he could not have collected his rents from the occupiers. But the moneylender and the trader took advantage of the new reign of law and order to reduce the aboriginal owners to practical serfdom. We must

refer for further details to the Memorandum on backward tracts prepared for us by the Bihar and Orissa Government. The need for special provision and special protection is brought out in the following extract.—

"They cannot compete against the subtler minds of the Aryan races that have in the past two or three centuries slowly penetrated into the country; their improvidence lays them open to the wiles of the moneylender; their lack of education and their distinctive language places them at a great disadvantage in the courts. When roused to action by real or fancied grievances their tribal organisation, where it survives, and elsewhere the solidarity of kinship makes for a rapid spread of disaffection, while their childlike outlook makes the duty of restoring order a peculiarly distasteful one."

The most notable of such outbreaks in this province was the Santal rebellion of 1855. The application of the ordinary laws of Bengal had resulted in the aboriginals losing their lands to their creditors. The Santals organised a large body to march to Calcutta to present their grievances; their advance was marked by looting and violence, and a large punitive force was required to restore order. After the rebellion, the district was excluded from the operation of the general regulations, and received its own agrarian law and a distinct judicial system. These measures have not sufficed entirely to stop the penetration of the intruder, and in that part of the district which adjoins Bengal there is a considerable settlement of Bengalis who press for the removal of the barriers which have been set up to prevent the exploitation of the aboriginals.

The district of Angul, which contains an aboriginal population of 74 per cent., lies in the midst of the Orissa States. The district came later into British hands, and from the first has received a distinctive system of administration.

The problem presented by the aboriginals of the Chota Nagpur plateau, which formed part of the inaccessible forest tract which the Aryan invaders called the "Jarkhand" is essentially similar. These primitive tribes amount to 58 per cent. of the population, and they nurse a resentment against the Hindu immigrants who, as they consider, have robbed them of their ancestral lands. Unrest, usually arising from

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[Continued.]

agrarian causes, but often assuming a religious complexion, is still endemic. It has occasionally led to the employment of regular troops. . . . The present position would seem to be that the protective measures taken, though by no means adequate in the eyes of many of those who know the aboriginal best, have given him a breathing space, and stemmed the tide of exploitation, but the constructive work of so educating him as to enable him to stand on his own feet has scarcely begun. He remains credulous and excitable, and almost as much as ever is need of special protection.

S.R., para. 91. *Excluded Areas of the Central Provinces.*—If the feudatory States be omitted, one-fifth of the Central Provinces is Government reserved forest. Leaving out both the feudatory States and Berar, one-quarter of the remaining territory—consisting of those parts which are coloured purple in the map at the end of the volume—is not subject to the reforms. In these “excluded areas” the Schedules Districts Act reserves to the executive the sole power of deciding what Laws shall be applied, but they are not “backward tracts” in the constitutional sense.

S.R., para. 94. *Backward Tracts of Assam.*—The backward tracts of Assam are of great importance and extent, and nowhere in India is the contrast between the life and outlook of these wild hill-men and the totally distinct civilisation of the plains more manifest. . . . No description can convey to the reader the striking impression provided by these gatherings, or the difficulty of fitting the needs and interests of such people into a constitutional scheme.

. . . the best judges doubt how far the recent quiescence of the hill-tribes—for the last expedition against them was in 1918—is due to contentment. If progress is to benefit, and not to destroy, these people, it must come about gradually, and the adjustment of their needs with the interests of the immigrant will provide a problem of great perplexity and importance for many generations to come.

The great majority of the hill tribes are far from forgetting their warlike past, with its long record of raids upon the plains. Many of them probably regard the Pax Britannica as a passing inconvenience. The confidence of the plainsman widened by the continual immigration and the breaking up of virgin soil is equally a recent feature.

S.R., para. 99. *Excluded Areas of Burma.*— . . . the backward tracts of Burma are of great extent. . . . The largest and most homogeneous of the administered tracts is that known as the Shan States. Though so described, the Shan “States” are a part of British India, but administered by hereditary chiefs or Sawbwas, to whom in varying degree large criminal, civil, and revenue powers over the population of their areas have been assigned. . . . The need of special qualifications and of long experience in the administration of the backward tracts has been recognised by the recent constitution of a separate Burma Frontier service which now contains some 50 members. The Commission met a number of the principal Sawbwas from the Shan States, and they appeared to be very well contented with their present system of administration. The dictum of the Burma Government on the Chin and Kachin Hill Tracts applies, we consider, to all the administered excluded tracts of Burma:—

“These . . . areas are all unfitted to participate in a constitution on representative lines suitable for Burma proper. Their people are educationally backward, and have evinced no desire to be linked with the Burmans, who in turn betray little interest in the hill tracts.”

So far as our short experience of Burma goes we confidently affirm the truth of these remarks.

*Simon Report, Vol. I, Part II.—The Existing Constitutional Structure, Para. 172. Varying Degrees of Modified Exclusion.*— . . . All the backward tracts which are not wholly excluded (except Darjeeling and Lahaul) are represented in the legislatures of their provinces, but it is impossible to regard their representation as really effective in most cases. In Bihar and Orissa the aboriginal preponderance in the population of the tracts is reproduced in the electorate in only three constituencies out of nine. In two of these three, members really representative of the aboriginals have been returned at all three general elections. The other seven are represented at present by members of the very classes whom the aboriginals regard as most hostile to them. Two seats are also reserved for the representation of the aboriginals by nomination in the Bihar and Orissa Council. In Madras qualified residents of the Agency Tracts vote in the constituencies formed out of the three districts in which the tracts are

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[Continued.]

included The backward tracts of the Presidency are also represented by a nominated member. The whole of the Assam backward tracts (covering 50,000 square miles and occupied by half a million hill tribesmen) are represented in the Provincial legislature by a single nominated member, who for a considerable period was a Welsh Missionary.

S.R., para. 306. *Forest Administration*.—Something must be said of the work of the Forest Service. In some provinces, the forests yield an important revenue to Government, in Burma nearly 20 per cent. of the total provincial revenues. But apart from this they constitute a valuable economic asset to the community. It is an asset which could easily be frittered away and the pressure for a shortsighted exploitation of forest resources is strong. If the best use is to be made of them, long views must be taken.

It is not enough that Government should have a right policy in the matter; expert knowledge, professional enthusiasm and firmness in administration are essential in the controlling staff. From the nature of the work, defects in forest administration may not show their full effect for many years. The maintenance of the present standards of administration is, therefore, of great importance. The heads of the Forest Departments in their evidence stressed the need for the maintenance of the European element in the Service and we were the more impressed by their view because the life of a forest officer, which has many attractions for the young Englishman, makes less appeal to the educated Indian than a career in any other service.

*Simon Report, Vol. II.—Recommendations.* Para. 24.—*Federation in British India*.— . . . It would be a very superficial view of the Indian constitutional problem to imagine that areas like these ("Backward Tracts") fall readily into place within the prescription of some simple formula of universal application. The political institutions suitable for other parts of British India could not be effectively worked in them; yet they must have their place in the general structure. It is not reasonable or, indeed, possible to apply the same hard and fast constitution to every part of India, and to attempt to do so would necessarily retard political progress.

S.R., para. 128. *The Backward Tracts*.—The question now arises what arrangements should be made for the backward tracts in connection with the constitutional changes that we are proposing.

. . . But apart from these, or some of these, we have no doubt that these are other tracts which must be excluded from the general constitutional arrangements, and that special provision must be made for their administration. We would suggest, however, that they should in future be known not as "backward tracts" but as "excluded areas." The stage of development reached by the inhabitants of these areas prevents the possibility of applying to them methods of representation adopted elsewhere. They do not ask for self-determination, but for security of land tenure, freedom in the pursuit of their traditional methods of livelihood, and the reasonable exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbours.

Para. 129.—The responsibility of Parliament for the backward Tracts will not be discharged merely by securing to them protection from exploitation and by preventing those outbreaks which have from time to time occurred within their borders. The principal duty of the administration is to educate these people to stand on their own feet, and this is a process which has scarcely begun. It is too large a task to be left to the single-handed efforts of missionary societies or of individual officials. Co-ordination of activity and adequate funds are principally required. The typical backward tract is a deficit area, and no provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements. Expenditure in the tracts does not benefit the areas from which elected representatives are returned. Moreover, the most extensive tracts (if Burma be left out of account) fall within the poorest provinces.

Only if responsibility for the backward tracts is entrusted to the Centre, does it appear likely that it will be adequately discharged.

#### *Report of the Indian Franchise Committee.*

Para. 339. *Aboriginal and Hill Tribes*.—The aboriginal population of British India is over 5 millions. . . . Our proposals for the extension of the general franchise will bring only a negligible number on the electoral rolls. It is, in our opinion, of the greatest importance that the interests of these people, who



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[Continued.]

live a life entirely apart from the rest of the population of India, should be protected by effective representation in the councils, or, if this is not possible, by some other arrangement in the new constitution.

I.F.C., para. 340.—. . . The Government of the Central Provinces pointed out that the aboriginal tribes in the provinces are an extremely backward community and cannot expect to obtain any representation at all through the general constituencies. . . .

I.F.C., para. 343.—We have been unable in the time at our disposal to make any adequate investigation of this subject, and cannot therefore put forward any definite proposals. The matter should be further examined in detail by the Local Governments concerned and brought up at a later stage when the time comes for the delimitation of constituencies.

Brief note by a majority of the Committee on the minute of dissent submitted by Messrs. S. B. Tambe, C. Y. Chintamani and R. R. Baekhale.

#### *Aboriginal and Hill Tribes.*

13. We feel very strongly the necessity of providing adequately for the representation of tribal races and others, who have suffered so severely in the past from the ignorance of Administrators and Legislators as to their special customs

and conditions. We have come to no final conclusion as to the method of representation which should be adopted, but must repeat our recommendation, that the matter should be examined in detail at a later stage during the delimitation of constituencies. We are not prepared to leave the aboriginal tribes to take their chance in general constituencies, as our colleagues apparently suggest.

#### *Indian Round Table Conference (Third Session).*

Para. 16.—As regards the "special responsibilities" of the Governors these should be identical with those indicated in the case of the Governor-General, save that the first item on the list would necessarily be confined to the scope of the Province, or any part thereof, and not extend, as in the case of the Governor-General, to India as a whole . . . Finally, it may be necessary to impose upon the Governor a "special responsibility" for the administration of certain excluded areas if, as seems possible, the arrangements for the administration of excluded areas involve their classification into two categories, one of which would be placed under the exclusive control of the Governor, and the other made subject to Ministerial control, but with an overriding power by the Governor obtained in the manner explained in earlier paragraphs of this report through his "special responsibility".

#### MEMORANDUM 86 BY DR J. H. HUTTON, C.I.E., I.C.S.

##### ARGUMENT.

Although the position as regards the primitive tribes in the totally excluded areas is satisfactory *provided* exclusion is widely and freely resorted to at the outset, their interests generally are not adequately protected under the proposals made in the White Paper, inasmuch as the provision for the areas to be partially excluded from the operation of the constitution is not satisfactory. Adequate precautions have not been taken to prevent the interference of legislative bodies in these areas, and it is not clear that it is possible to withdraw such areas from the jurisdiction of the High Courts.

The primitive hill and forest tribes in all parts of India differ from their neighbours in the plains in race, in social organisation, in communal and domestic habits, in religion (very largely) and in

their general attitude towards, and philosophy of, life. Consequently they cannot be conveniently included in the same system seeing that:

(1) they are much fewer numerically, and representation in an elected body will carry no effective weight,

(2) their interests are commonly alien if not actually antagonistic to the interests of their more civilised neighbours, and will, therefore, always be liable, if not likely, to be sacrificed to those of the majority,

(3) the aboriginals themselves, although unvoiced, are in several cases conscious of the dangers to themselves of inclusion in the autonomous provinces and are definitely wishful for self-determination and for the preservation of their traditional culture and manner of life.

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[Continued.]

## ILLUSTRATION.

These three points may be briefly illustrated by reference to particular cases, and it should be made clear that these cases are such as have arisen under the existing conditions in which the administration of hill and forest tracts is specialised and in which a bureaucratic Government has made definite efforts to suit its administration to the areas dealt with. Mistakes are likely to be far more numerous and far more serious if the areas in question are regularised and incorporated into normal self-governing provinces:—

(1) (a) In the Central Provinces and Berar these primitive tribes form more than one-sixth of the population of the province (including States); even the local franchise committee recommended two seats for their representation. The Prime Minister's award allotted them one seat. It makes little difference, as one or two seats of this kind offer no guarantee of any kind that any attention will be paid to the interests of, e.g., Gonds and Baigas. In withdrawing even partial exclusion for the areas previously excluded and coloured purple on the Statutory Commission's map, the Central Provinces Government has acted against the interests of the aborigines.

(b) The representation of the Madras Agency Tracts is effected by the election of representatives in the plains areas. The aborigines in the hills—Kondhs and Sawaras, take no part in such elections, could carry little weight if they did, and are unlikely to have their interests considered for one moment by their elected representatives if those interests conflicted with the interests of the same representative's plains constituents.

(2) The interest of the aborigine is often alien to or antagonistic to the interests of the plainsman. This is illustrated in several ways—

(a) *In the ownership of land.*

(i) The system under which property is owned has been repeatedly misunderstood and the real owner expropriated by the application by courts of legal principles which in reality should not be applied at all. Example may be found in Chota Nagpur, where the feu duty paid to the chief by the landholders of a Kuntkatti village has been interpreted as rent and a sign of the chief's position as the proprietor of lands, which he never was. This

has led in the past to expropriation of the villagers. Similarly in the Chittagong Hill Tracts a Government Agent for the collection of taxes was erected into an hereditary chief in villages which owed him no sort of feudal or personal allegiance of any kind.

(ii) The system introduced by civil courts, and their interpretation of contracts and debts has led to wide deprivation of land by interlopers. Tribal law generally recognises no form of realisation by distraint except in such property as that included in the original loan, usually made in kind, and repaid perhaps in the next generation after a good harvest. Consequently loans are lightly taken and result in the reduction of the borrower to the position of a landless serf, or, in some cases, of a serf tied to the soil who renders the landlord half the crop in perpetuity. Chota Nagpur is again an instance in point, also the position of Gond villagers in the north of Hyderabad State at whose harvesting the moneylender is present and takes half the crop, the other half being sealed up for the use of the villagers and consumed gradually. When exhausted they must again borrow. In the Madras Agency Tracts the perennial spring-fed lands have mostly passed into Oriya hands as a result of contracts made under the influence of drink, or at any rate of thirst. In the North Cachar Hills in Assam the richer rice-lands by the railway have largely fallen into alien hands as the result of a similar process, in spite of local restrictions on the issue of Government leases to foreigners. The fact is that the Deputy Commissioner has been too busy and too remote to realise what has been going on and the local Revenue Officer, himself an Indian of the plains, has merely recommended leases which recommendations the Deputy Commissioner has accepted without realising that the land was obtained by purchase, probably on mortgage, from an indebted Kachari who must in future work it as a labourer instead of as an owner. Such leases, although illegally issued, have not been cancelled. The local officers have recommended total exclusion from the White Paper con-

16<sup>o</sup> October, 1933.]

[Continued.]

stitution precisely on account of the presence of the railway which had caused the conflict of interests between the hillman and the foreigner. Another instance of the harm that can be done by an inexperienced officer and of the care that has to be taken in administering these areas may be taken from Assam, where a range of hills owned by the independent Nagas was regarded as important on account of the presence of suppositious oil or coal. Government bought the land from chiefs whose ownership was really no more than trusteeship, and when a survey party went to survey and demarcate it, it was resisted. This led to a visit by the Deputy Commissioner, Naga Hills, with an escort. He discovered that the northern part of the range was the sole cultivating land of an adjoining village on the next range, and Government when making a Reserved Forest of the area which was valueless for coal or oil, excluded the northern part of the ridge in order that it might be cultivated as before by the real owners. A few years later applications were made for the grant of this land for tea growing these applications were accepted by the local officer who was ignorant of the history of the case, and recommended to, and accepted by, Government, and the land would actually have been granted to tea companies, if it had not happened that an officer who knew both its past history, and the inhabitants, was transferred to the subdivision in question before the leases were signed.

Obviously there is very good reason for the aborigine to fear expropriation from the land when once he ceases to be under special administration. Only quite recently the Legislative Council of Bihar and Orissa passed a resolution in favour of the exclusion of Chota Nagpur from the "Backward Areas Notification" (paragraph 52A of the Government of India Act) though this resolution was hotly opposed by the three representatives of the aborigines of Chota Nagpur in the Council, an indication of just how much consideration these areas are likely to receive when their only protection is one or two elected representatives. Even where there is no danger of expropriation of

land, exploitation by traders or moneylenders is feared, and in the Nicobar Islands it was found not long ago that nearly every household was heavily in debt to Indian and Chinese traders. These debts are paid in coconuts, which serve as local currency. These traders were given five years in which to realise what they could, after which any unpaid balance was to be automatically wiped out. The five years has expired, but there is good reason to believe that the Nicobarese, comparatively honest and simple islanders, are still paying coconuts to traders for debts and interest that they can never pay off in full. It is significant that the Nicobarese are so scared of Indian domination that they petitioned the Government of India in 1930 or 1931 to be made a Crown Colony, and said that they would sooner be part of Burma than of India proper.

(b) *In the Administration of Forests* the conflict of interests between the forest tribes and the community as a whole is shown in two contrasted directions:—

(i) A number of aborigines, such as the Andamanese, the Kadar, and the Sholaga of Madras, and, generally speaking, the Chenchu, the Kudumba, and the Paliyan of the same Province, do not practise cultivation at all, but are still in the hunting stage, digging for roots and hunting wild animals. To obtain an existence in this manner needs a very much larger area of forest land than would be enough if cultivation were practised. Such a mode of life is apt to bring those who follow it into conflict with forest officials and may be opposed to strict afforestation. Generally, however, such tribes will suffer more by de-afforestation. In either case they are unable to cultivate, and to teach them to abandon the hunting life for a cultivating life is a thing that can only be done very gradually indeed, and in some cases, e.g., that of the Andamanese, is probably impossible.

(ii) Even more serious a conflict of interest is likely to arise in the case of the tribes who practise shifting cultivation:—(*ghum*, *bewar*, *pedu*, etc.). In many hill areas the slopes cannot be irrigated, and this form of cultivation is the only one possible. The tribes that practise it must live, but it is not only waste-

16<sup>o</sup> Octobris, 1933 ]

[Continued.]

ful, but it is apt to lead to denudation of the hills and consequently to inundation of the plains, apart from the waste of timber. In some cases land so cultivated is tribally owned, and rights of private property have hardly as yet arisen; but perhaps more often, as in Chota Nagpur and Assam, the first clearer of the land from heavy forest has established personal ownership and areas of such land have been transferred by sale, marriage settlement, mortgage and inheritance for many generations. Yet the Assam Government, for instance, treats all such land, theoretically at any rate, as unclassified State Forest, and a case recently occurred in which a man was fined for letting on lease a part of such land purchased by his grandfather from the original owner. In another case it was ruled that a man must pay heavy royalties for removing stone for building from land, theoretically unclassified State Forest, which had belonged to him and his family for generations. Some control and modification of the destructive practice of shifting cultivation is admittedly necessary, but prohibition of this form of cultivation has twice brought the Sawara tribe in the Madras Agency Tracts to the verge of open rebellion. As time goes on this problem will become, if anything, more intense. In part of the Naga Hills a judicious combination of persuasion and compulsion, aided by small grants from the Local Government, has enabled one tribe at any rate to substitute irrigation for shifting cultivation to a very useful extent, but there is every fear that under the new constitution it will be increasingly difficult to obtain such grants, if it be necessary to obtain them as the result of a popular vote in an elected body. On the other hand, the hillman has little capital to undertake irrigation himself and, where easily irrigable land is accessible to the plainsman it tends (as in the Madras Agency and the North Cachar Hills) to fall into his hands. Similarly the plainsman is encroaching on the irrigable valleys of the Mikir Hills in Assam, and, as already mentioned, is ousting the Hill Kachari along the hill section of the Assam-Bengal Railway.

(c) *In the exploitation of land for minerals.*

Tribes are apt to be affected in two ways (i) by the introduction into their country of an alien mining or oil-drilling population, which is often exceptionally dissolute and lawless, and (ii) by the taking up of village lands for mining, rendering them useless for cultivation and making it difficult or impossible for the village that owned the land to continue to exist. Two cases of this kind have occurred within my own knowledge. In one, the amount of land taken up by a coal mine included large areas of surface land over which, in theory, the village retained the right to cultivate when the land was not actually occupied by buildings or shafts. The cultivating rights were, in effect, valueless, as even temporary occupation by the mining company left it stripped of forest or covered with debris. In consequence, the village affected is no longer able to grow enough rice and has to depend on its ability to purchase in the plains. The indications are that it will lose its ability to grow crops and that its whole economic life will be destroyed. In the other case, the cultivation of the best half of the village land would have been rendered impossible had one been formed, because it entailed burning the felled jungle which would have been a very serious danger to the oil wells. In both cases the compensation paid to the village was in the form of a lump sum, quickly spent, and affording no sort of substitute for the permanent deprivation of cultivating land, though in the latter case the drillings were abandoned and the land is again under cultivation.

It is not suggested that mining is to be prohibited, but it is argued that the control of leases for prospecting and mining, and the operations involved by their issue need a very strong prerogative vested in a local official who is thoroughly conversant with the customs and the needs of the people who are the owners (in their own eyes, if not those of the State) of the land on which the operations are to take place.

(d) *In the administration of excise.*

(i) The extension of the licensed liquor shop system to the hill areas may do much harm. Thus in the

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Madras Agency Tracts again the Kondh was accustomed to regard the flowering of the *Mahua* as a time for drinking and licence, but for the rest of the year he remained sober by force of circumstances, until the establishment of a liquor shop for revenue purposes in the centre of his country enabled him to get distilled liquor at any time, and the result was very quickly seen in the transfer of his spring-fed terraces to Oriya interlopers who took advantage of his taste for liquor to deprive him of his land. On the other hand, the hillman is likely to be equally hit by:—

(1) the extension of prohibition. In most cases he is accustomed to plenty of mildly alcoholic drink which he brews from grain for himself. Having generally no sugar he probably needs alcohol to replace it. In any case a policy of complete prohibition would be very severe indeed on Naga, Nicobarese and a hundred other tribes, to say nothing of the Gond (and possibly the Santal is the same) whose religious duty it is to refresh his household and ancestral deities with drink brewed at home. Strict control of distilled liquor and of distilling may, in many cases, be in the interests of the hillmen, but a policy of total prohibition, which is known to be favoured by both Hindu and Muslim in the plains, would be a tyrannous imposition in the hills. This case is an instance to show the necessity for the powers given under Section 108 of the proposed constitution.

(e) *In the provision of education.*

The interests of the hillmen have in the past been little considered. There is every fear that they will be less considered in the future. In Bihar and Orissa again the Santal is given primary instruction in an alien language instead of in his own and the same applies to primary education in perhaps all Provinces, except Assam, where in the Lushai, Naga and Khasi Hills, at any rate, it is given as it should be, in the local vernacular.

In higher education the hill pupil is inevitably handicapped by the non-recognition of his own language by universities, so that he has generally to learn an additional language to enable him to matriculate.

It is very doubtful how far local legislative bodies will be willing to vote money for the education of hill and forest tribes. At any rate in Bihar and Orissa attempts made to obtain grants for institutions which would principally benefit the Munda and Oraon have failed. Further the Bihar Government has admitted that the position of the aboriginal in regard to education is worse now compared to the rest of the provinces than it was before the last instalment of the reforms.\* It is impossible to avoid the inference that the greater the extension of popular government the less money will there be for the aboriginal whose vote can be disregarded, even if he is capable of exercising it.

(f) *In the administration of justice.*

The methods of the plains courts and the legal procedure is completely unsuited to the hillman and the errors of High Courts, particularly the Calcutta High Court, have resulted in serious injustice in the past. Where the hillman is in contact with the plainsman and the two frequent the same courts with the same procedure the hillman very soon learns that truth and a straightforward statement of his case does not pay. Consequently, he resorts to a chicanery in which he is no match at all for his more sophisticated neighbour. In non-regulation district, however, the rules of the procedure codes are not strictly adhered to, and the more common method is, as in the Assam Hills, to follow the lines indicated by tribal methods. Distances are great and communications bad, and the first essential of justice in the hills is that it should be speedy. Consequently a form of summary procedure is generally found most suitable for all but really serious cases. Generally, owing to the difficulties raised by languages and customs entirely alien to the plains lawyers are useless. They are only allowed with the permission of the court, which would be given wherever their interference would be of any value, but generally

\* The aboriginals "have got a little less than their general share of the big advance made in primary education, and decidedly less of the advance in high and middle education." *Government memorandum to the Statutory Commission.*

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[Continued.]

the employment of lawyers merely complicates cases, and if they once took to practising in the Naga Hills, for instance, the administration of justice would probably become impossible. At best it would become a mere gamble instead of as at present, a generally effective dispensation of tribal custom qualified by equity. It should be added that the pressure of legislative bodies is always towards introducing the lawyer. This is shown by experience (e.g. of Bihar and Orissa).

Police in these areas (e.g. the hill districts of Assam or the Domini Koh of the Santal Pargannas) are generally both absent and unnecessary. The clansmen themselves, when not interfered with, are their own courts and their own police. A small civil police force is maintained to deal with the foreign population, using through communications, but is not normally allowed to interfere at all in tribal cases. For sophisticated people probably both police and lawyers are necessary evils, but where neither are found to exist, or to be needed, it seems a mistake to introduce them.

Under the codes in force, punishments may not exceed those provided in the Indian Penal Code, but, in actual fact, a felony is frequently found to be compoundable and is compounded, as it almost invariably would be, by tribal custom. I cannot conceive of anything more likely to result in general injustice in the Courts of a hill district than the introduction of the Code of Criminal Procedure as interpreted by the High Courts. This is also the experience of Rai Bahadur Sarat Chandra Roy, a well-known Indian lawyer in Bihar and Orissa, who has specialised in aboriginal customs and aboriginal clients from Chota Nagpur. He is very severe indeed on the demoralising and disruptive effects of trying to apply British Indian law to aboriginal litigants and cases. Further, wherever aboriginal areas come within the scope of the activities of the High Courts, actions which are perfectly correct according to aboriginal standards are liable to be punished as contrary to law. Thus, quite recently, a Bhil was convicted and sentenced for effecting a marriage by capture, which is a recognised form of Bhil marriage and which would

undoubtedly have been acquiesced in by the society in which he lived had there been no possibility of moving courts. This, of course, was within the jurisdiction of a High Court. A case in Assam of a very similar *bihi* marriage, in which the parents of the girl prosecute the boy for the sake of form, once led to a sentence of imprisonment for life given by a sessions judge unacquainted with local custom; the Chief Commissioner had to interfere. This, of course, occurred in a regulation district; in the hills the matter would have been tried and settled by local custom. It would have been cheap, expeditious and reasonably satisfactory to all parties, instead of involving the injustice of severely punishing for abduction a man whose behaviour was perfectly correct from the point of view of all the parties principally concerned in the case. Similarly the application of laws of inheritance entirely alien to them has, in many cases, been very severe on the aboriginals. In the Central Provinces very few of the forest tribes have been exempted from the operation of the Hindu law of inheritance, though these are commonly at variance with tribal custom. In the official paper of, e.g., the Posts and Telegraph Department a man may not declare his heir according to tribal custom if a relative exists whom the rules of the Department consider ought to be preferred. He can follow Hindu or Muslim law, but not his own tribal law.

Where, in Assam, the hillman comes into contact with the plains courts, he finds justice practically impossible to obtain. It frequently happens that gangs of hillmen go down and work on tea estates, and when they appear for payment they find that the contract was made with an intermediary who has drawn the amount due and absconded in the night. They cannot find him, if they can they are unable to point out attachable property as required by the court and, in any case, they cannot afford to wait foodless and wageless in the plains while the interminable delays of civil courts continue, nor to pay the necessary fees for a lawyer to fight the case hearing by hearing. If they did secure a decree they probably could not obtain realisation. Such cases

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are common enough in Assam, and there is no remedy for them, but the extension of the system which makes them not only possible, but frequent, to the hill tracts themselves is unthinkable to anyone familiar with circumstances; at the same time the only alternative is exclusion from the scope of the High Courts and of the legislative activities of provincial councils.

#### CONCLUSIONS.

The illustrations given above are enough to show that the tribal areas have interests which conflict with those of the people inhabiting the normally administered plains areas, and that the introduction of provincial self-government raises the necessity for some form of protection for these areas until they are in a position to stand on their own feet either as an integral part of the province in which they are found, or as independent units of the federated whole.

Failure to give some protection is likely to lead to the very rapid disintegration of tribal life, particularly in view of the very rapid development of communications in tribal areas, and to the economic ruin of the tribes. This has been so far recognised in the White Paper that provision has been made for the total or partial exclusion of such tribal areas from the operation of the reformed constitutions envisaged for the provinces. It is here contended that the provision made is inadequate.

It must be recognised that partial exclusion is an unsatisfactory expedient. It places the Governor of the Province in a difficult position in which his special responsibility for the interests of the aborigines may be found at issue with the views of both his Ministers and his Council; he is only able to prevent questions or resolutions having reference to such areas by interfering to disallow them in the Legislature, and it would be easier if they were *ultra vires* from the start. Experience has shown that pressure will undoubtedly be brought upon the Government—as it has been already in Bihar and Orissa and in Assam—under existing conditions—to extend the regime of ordinary law to the hill and forest areas where it is a curse and no blessing.

It is hard to believe that most Governors will not have difficulty in withstanding the pressure of their Councils and Ministers, even though the individuals pressing for the regularisation of tribal areas are the merest handful of vociferous immigrants, and it would be far safer for aboriginal areas to be excluded entirely rather than partially, so that all the excluded areas would be, under their own provincial governors, more or less in the position if such Chief Commissioners' Provinces as the Andaman and Nicobar Islands. In some cases they would be safest treated as States for whom, indeed, the provincial Governor might act as A.G.G. but which should not be treated as British India at all under the proposed constitution.

In the case of the Islands not only do the territories occupied form no integral part of the Indian Peninsula, but there is every reason to exclude them from participation in a federation in the policy of which they can never have any audible voice. The Nicobar Islands have already expressed their emphatic desire to be constituted a Crown Colony. The Islands of Little Andaman and Sentinel might conveniently be included with them in this archipelago administered by the Governor-General on behalf of the Colonial Office as in the case of the Aden Protectorate and the Island of Sokatra. Great Andaman falls, no doubt, into a different category, as being a penal settlement and partially colonised by Indians as a result of that, but here special measures are necessary for the protection of the few remaining Andamanese, the very rapidly dwindling survivals of a prehistoric race, while the inhabitants of Indian origin are too remote from the mainland to take any real share in its representative institutions.

This condition applies also to the Amindivi and Laccadive Islands, and the proper treatment for these latter groups of islands is perhaps to constitute them either an administered protectorate or a separate federal unit with such local self-governing institutions as may be found possible and suitable. At present they are "administered" by biennial visits from the Collector of S. Kanara or Malabar districts, and their own local institutions can hardly have failed to survive as they have survived, in great strength, in the Nicobar Islands, where the inhabitants are per-



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[Continued.]

fectly able to conduct their own affairs if protection is given from external interference.

Continental areas are not easy to segregate, but the expressed desire of most of the tribal areas is for self-determination, and this could be secured in a number of cases by the creation of petty states on the lines of those in the Khasi Hills or the Karenni States of Burma. The guidance and supervision of political officers would be necessary for some time, but there is no reason why self-governing units should not be fostered, or why the tribal areas should not be allowed freedom to manage their own affairs as petty units of the Federation like the minor states of Western India, unless they preferred, as they might at some subsequent date, to apply for complete incorporation in an adjoining province. Clearly the initial difficulty is one of finance, but the more closely they are administered the greater will be the cost, and the cost of administration on political lines would be no greater than that of incorporation into a self-governing province with all its apparatus of elections and representation. Many of them like the Kolhan in Singhbhum (Bihar and Orissa) retain their original self-governing institutions still intact. It is not suggested that excluded areas should be retained precisely as they are. Something must be done to set them on their own feet, but it is argued that total exclusion as proposed under the Statutory Commission scheme for some of the Assam Frontier should be extended to the North Cachar Hills to the Mikir Hills, the Garo Hills, and to part at any rate of the Jaintia Hills in Assam, to the Chittagong Hill Tracts of Bengal, to at least the Palamau and Ranchi districts, the Domini Koh in the Santal Parganas and the Kolhan in Singhbhum in Bihar, to Lahaul and Spiti in the Punjab and to parts of Orissa, of the Central Provinces, of Bombay, and of the Madras Agencies and islands, to say nothing of parts of Burma.

For other continental areas, most of which are small and largely penetrated by plainsmen, partial exclusion is possibly the only feasible method, but this should be applied to more areas than those envisaged in the Statutory Commission's Report, and in particular to hill areas in Madras south of the Godavari River and probably in northern Bengal, Bihar and Orissa and the Central Provinces where total exclusion is impracticable. Careful examination and demarcation is

required. Above all, a strong prerogative is essential to their good administration. It must remain possible for the officer in charge to remove any undesirable person from the areas in question. This power is provided at present in various ways. In Burma and in the Frontier Districts of Assam and in the Madras Agency Tracts powers exist under varying forms which enable the district or political officer to remove from the area to which the Act extends any non-indigenous person whose presence is found to be undesirable. This power could be employed to advantage in the Madras Agencies in deporting Oriyas and others found trafficking in liquor with the tribes. It has been used to extrude both Europeans and Indians from the frontier districts of Assam, where trouble has been stirred up by such intruders. A nominal exclusion which did not give the local administration power of this kind would be useless, but the existence of such a power is perhaps incompatible in a self-governing unit. Another point which should be made clear is that in considering the boundaries of excluded, or partially excluded areas, regard should be paid to tribal, rather than to political, boundaries. A slight alteration, for instance, of the boundary proposed for the new Orissa Province would make that boundary coincide with the boundaries of the lands occupied by the Sawara and Kondh tribes respectively. This was pointed out to the Orissa Boundary Committee, but unfortunately was not apparently regarded as a matter of importance. It is, however, very much easier to deal with consolidated tribal units than with mixed ones, particularly as some policy of political and economic development is essential to their future administration, and in this respect the tribal consciousness of existence as a corporate and integral unit is needed. A further point of some importance is the training and selection of officers for the administration of excluded areas. By no means all officers are suited by temperament or inclination for work in tribal areas and the best are generally those who are caught young. The proper administration of the tribal areas really involves the careful selection of suitable officers who shall be directly subject to the Governor, and if the recruitment of officers by the Secretary of State on behalf of the Provinces is stopped, it might still be necessary to continue to recruit enough to staff the excluded areas.

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[Continued.]

D5. We have before us the Memoranda which you gentlemen have been kind enough to lay before us. Dr. Hutton, would you wish at this stage to add anything to your memorandum before we begin to ask questions?—I do not think I have anything to add.

D6. Commander James, would you like to add anything?—(Wing-Commander James.) No.

*Lord Hutchison of Montrose.*

D7. I would like to ask the witnesses one or two questions about the machinery under which those reserved areas or backward areas would be administered. Under the White Paper they are under the control of the Governor, but I understand that the Governor-General has got to agree to the various regulations which are issued by the Governor for the control of those areas. That is so, is it not?—I take it so, but it is not easy to understand what the intention of those paragraphs is.

D8. Under paragraph 108 of the White Paper the Governor-General has to agree to the various regulations. Could you tell me from your experience to what extent have the Foreign and Political Departments under the Governor-General got any control over those areas?—None. (Dr. Hutton.) None whatever at present. The areas are all at present (and as I understand it they will be still, under the White Paper's provisions as they are) administered through the Governors of the Provinces, whereas the Foreign and Political Service is directly under the Government of India and does not overlap in any way.

D9. They do not overlap at all?—No.

D10. Then do I understand that those reserved areas correspond directly with the Governor?—At present, no. Under the existing condition in the non-regulation areas as they are at present, the officer in control of the area is under the Commissioner and works through the Secretariat of the Governor in the ordinary way.

D11. Very well. Then under the White Paper proposals, when you get the Provincial Government form you will then have touch direct with the Governor in dealing with those areas?—In dealing with the totally excluded areas, but not in dealing with the partially excluded areas. The arrangements for the two as proposed by the White Paper are quite distinct.

D12. Have you any knowledge of the backward areas in Madras?—A little.

D13. In dealing with those, who is the Commissioner there responsible in Madras under the White Paper proposals? Will he go straight to the Bureau of the Governor, or will he go through any Government official?—I am not at all sure how that would work. If you do not mind my taking an instance from Assam, which I know better, in the case of a criminal appeal, for instance, in a totally excluded area, the appeal, as far as I can make out in Assam, goes direct to the Governor through the Secretary responsible, whereas in the case of the partially excluded areas it may go to the Minister. That is a point which has not been decided and which is not clear from the White Paper.

D14. In the event of disputes or legal cases coming along, are those cases fit to go before the ordinary Tribunal of the Province?—In most cases I think they are not fit.

D15. In most cases, they are? At present, I think they are not so.

D16. In mountain areas those forest areas—would the same rules apply there as would apply down in the plains? Yes; in most Provinces the High Courts have jurisdiction. In Bihar and Orissa, the High Court has jurisdiction over the hill areas; in Assam the High Court has no jurisdiction in the hill districts.

*Sir Hari Singh Gour.*

D17. Are not some of these areas covered by the provisions of the Scheduled Districts Act? Yes.

D18. In that case, the acts of the Governor-General of the Province *ipso facto* would not apply unless they were extended by the provisions of the Scheduled Districts Acts? That is so.

*Lord Hutchison of Montrose.* Would that apply to the disputes on land tenure?

*Sir Hari Singh Gour.* Yes.

*Sir Reginald Craddock.*

D19. You recognise the difficulty, do you not, as between tribes who are scattered over an area in which the reforms will be fully at work and tribes which are territorially complete, so to speak? Certainly; I recognise that difficulty.

D20. And away from them? Yes.

D21. That would apply to Assam and Burma?—It might be that the exclusion or the territorial separation of

16<sup>o</sup> Octobris, 1933.] Wing-Commander A. W. H. JAMES, M.C., [Continued.  
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tribes goes further than that. I think there are tracts in Bihar and Orissa and Madras which are practically tribal.

D22. They would be scheduled, perhaps; but even in the Scheduled Districts, I suppose, you would recognise that the Indian Penal Code and all the ordinary Acts apply, that is to say, the administration of the Criminal and Civil Law and the ordinary Revenue Law in many cases are applicable to people of those castes?—They have been applied to them; I think in many cases wrongly.

Sir *Reginald Craddock*.] On the other hand, there are people like the Gonds in the Central Province who are scattered over the whole of the Province. There are more in one place. I know you have an Act about Land Alienation.

Sir *Hari Singh Gour*.] Yes, about the aboriginal tribes.

Sir *Reginald Craddock*.

D23. That has been specially enacted?—Yes.

D24. But the difficulty about those Acts has been that a great deal of harm has been done probably before the evils which the Acts were meant to deal with had come to light?—Yes; that is true.

D25. On account of the fact that the statistics of criminal and civil courts naturally do not supply any information as to the caste of the parties?—No; I think part of the evil is that the Civil and Criminal Courts recognise Hindu and Muslim law and never recognise tribal law.

D26. That is so, probably. It is partly due to the fact, no doubt, that many of the tribal people cling on to the garments of the Hindus, so to speak, and they have got so accustomed to that sort of thing that they have their joint families, and so forth, so far as the courts know. They do not plead that there is any other law except the Hindu law?—They very often do.

D27. They would in certain tracts, no doubt?—They would if they could, no doubt.

D28. But they have not done so hitherto?—I do not think they can plead any other law except the Hindu or Muslim law. It is not recognised by the courts and it is useless for the tribes to plead it.

Dr. B. R. Ambedkar.

D29. Cannot they plead tribal law as their customary law?—No; it is not recognised by the High Court.

Dr. B. R. Ambedkar.] The High Court would recognise any custom. It is not necessary to establish that it is a Hindu or Muhammadan custom. If there is no law laid down in that sense, the custom would govern. Ordinarily, that would be the thing. I am not speaking with first-hand knowledge.

Sir *Hari Singh Gour*.

D30. The Civil Courts of most of the Provinces make a provision for the enforcement of any customary law regulating domestic relations and succession?—It is extremely difficult in that case for the tribe to establish its customary law.

D31. That is for a different reason?—I see your point.

Sir *Reginald Craddock*.

D32. As far as my experience goes, and I expect it is yours, when they are not definitely under separate political control like the wild mountain tribes, and so on, who are not under the ordinary administration at all—is not that the case?—Yes.

Sir *Reginald Craddock*.] There are places in Burma where you can punish murder with a fine under the special regulations.

Sir *Hari Singh Gour*.] That you could do in England not far back.

Sir *Reginald Craddock*.

D33. I am not making any comparisons. I am only suggesting to the witnesses that there is a distinction between people of the various tribes like Chins and Nagas and Kachins and Kukis and people of that description who are on the Burma Frontier, for example. There is a distinction between treating them under a separate officer or officers from treating aboriginals in regularly administered districts who have hitherto been under the ordinary law and under the ordinary district officers commissioners and under the ordinary Courts, and it seems to me, judging from the evidence both of Wing-Commander James and yourself, that you are anxious to get some sort of supervision over these aboriginals, wherever they may be?—Yes.

D34. Some sort of protection for them?—Yes.

D35. For example, would your case be met if there was in the Province an officer designated superintendent of aboriginal tracts or aboriginal tribes?—(Wing-Commander James.) No, emphatically not. I submit that the White Paper proposals

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go back on the specific recommendations of the Statutory Commission, of the Franchise Commission, and of the Third Round Table Conference. The Franchise Commission, for example, actually whittles down the suggested numbers of Primitives to between four million and five million. It underestimates the numbers in British India by more than half to begin with, and goes on, *pro rata*. I submit that these people would be in the interests both of the Provinces and of themselves better for the time being or for the moment left entirely out of the proposed constitutional change.

D36. Yes, but I was putting to you that under the Governor, there should be one officer in the Province whose duty it was to look after these people?—But I would submit that if I accepted that, I would be denying the need which I maintain exists for Central Authority, that the Governor should only be the Agent for the Governor-General. I do not think merely a representative of the Governor would suffice.

D37. But do not you think that would be a rather extreme measure of centralisation. The information at the disposal of the Governor-General would be only what he got from the Governor. I am not suggesting that he should be under the ordinary ministers?—I thought you were.

D38. No?—I am sorry.

D39. I mean a separate Governor's duty with an officer for that specific purpose to look after generally the interests of the forest tribes?—(Dr. Hutton.) Provided they were as far as they could be territorially excluded from the constitution.

D40. Yes, so far as they can territorially be excluded?—Yes.

D41. But even if they cannot be, it might be possible?—It is all the more necessary if they cannot be.

D42. Yes—to have some officer who is charged with that duty. The point I want to put to you is that in many cases these aboriginal tribes are living more or less in the heart of the forest. Sometimes the land they cultivate is actually reserved forest?—Yes.

D43. Which is known in India, in a good many parts anyway, as a forest village?—Yes.

D44. That is, under the Forest Officer?—Yes.

D45. But the Forest Officer is generally very fond of the tribes, and looks after

them to the best of his ability, and he manages that village. The Revenue Authorities do not have anything to do with those Forest Villages, except criminal law, but then there are villages (I daresay you have had some in some of the areas) where the ordinary deputy Commissioner or Collector, or whoever he is, keeps an eye over the villages as he is supposed to do over the whole of the district. Then for them I am suggesting to you that some kind of superintendent of the interests of tribes should be an officer appointed by the Governor to enable him to carry out his duties, not necessarily to look after the magisterial work, and so forth?—(Wing-Commander James.) May I point out, Sir Reginald, arising from what you have said, it is perfectly true that the life of the bulk of these people is bound up with the forest administration, but under the proposals with regard to the existing system, the forest service is being transferred entirely, and the time will come, for example in Bombay I think in 1947, when there will be no European officers left in the forest service, and the Secretary of State in a reply that he gave last week to question 6427 and the following questions, stated definitely that the forests were subjected to no safeguards, and that no Governor's intervention was possible, and, furthermore, in the White Paper the forest revenues are allotted without qualification to the Provinces. There seems to be a complete contradiction.

D46. But I was suggesting to you some modification which would allow a Governor to carry out his duties in respect of those backward tracts with the aid of a special officer?—Quite, but in that case the Secretary of State's reply which I quoted would require modification.

D47. What I was really trying to get from you was whether you agree that supervision and that kind of thing might be provided for in the Constitution Act?—Certainly, it must be.

D48. And as regards these other tribes, they are already under the Political Department; they are all probably altogether excluded. I am talking of a local political department. For example, in Burma those places would be under people of the Burma Political Service and not under the ordinary District officers—those excluded tribes? (Dr. Hutton.) They would not be under a

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different Service in Assam or in Madras. (Wing-Commander James.) Or in the Central Provinces.

D49. But the ordinary officers would administer them, and their supervision from the Governor's point of view would come through the officer who was superintendent of all these tribal matters and tribal interests?—(Dr. Hutton.) Provided the areas were totally excluded. I am not satisfied that that would be the case if they were only partially excluded.

Sir Reginald Cradlock.] It is very difficult to exclude an area which contains, not merely aboriginal tribes; you come across a Korku or a Gond village, and its neighbours may be ordinary villagers.

Lord Hutchison of Montrose.] I take it that the point that you want to make is that it is not only the excluded areas that you want to allow for, but it is the individuals?

Sir Reginald Cradlock.

D50. Yes; I will make it clear. Hitherto, the reason why these people were not protected in this way much earlier—they should have been protected much earlier—I admit that they should have been—is that the evil that is going on does not get noticed until it has gone a long way?—That is so.

D51. And, therefore, a whole lot of milk has already been spilt?—(Wing-Commander James.) But I think it could be mopped up even now.

D52. That is why I am suggesting to you that one officer in the Governor's staff might deal with this question if it was specially enacted in the Constitution as a means of dealing with tribes. Then, of course, locally in the districts some of them would come under a Forest Officer directly, and I have no doubt that if it were a special duty an Indian member of the Forest Service would be sympathetic to these people?—Undoubtedly, in certain cases.

Major C. R. Attlee.

D53. I want to ask you, first of all, a question about the personnel of the officers who deal with these excluded areas. Dr. Hutton, in Assam, I take it, that an officer has to specialise before he can be very effective in those areas because of the languages and the customs. Is that so?—(Dr. Hutton.) The officer who is really good in the excluded areas is generally one who is caught quite young before he has got accus-

tomed to the ordinary routine of the Service. Unfortunately, there is no guarantee that he will be kept in such areas because he is normally exchanged with the plains.

D54. Quite. Supposing that these areas are excluded and, as far as possible, kept outside the ordinary Provincial structure, do you think it would be possible to have something like an All-India cadre of officers dealing with backward areas?—That would be the only method of having any specialised cadre for such areas, because otherwise it would be so small as to be unworkable. In each Province the excluded areas would be so small that you could not have special cadres for them unless you had an India cadre.

D55. A point arises there also with regard to Commander James's point. You suggest, I think, that the Forest Officers should be particularly charged with these backward areas?—(Wing-Commander James.) For economy and to avoid duplication.

D56. But you are aware that the idea is that the Forest Service will become a Transferred Service and a Provincial Service?—That is what I pointed out just now.

D57. Do you suggest that the Forest Service should not be transferred?—Not at all; because there are many forest areas like South Kanara, which is inhabited by caste Hindus. All I suggest is that where a forest area is solely or mainly inhabited by backward tribes then it should be an excluded area, administered by a special service. The cost of the normal machinery is totally unnecessary to these areas.

D58. I was going to deal with the cost in a moment. Dr. Hutton, do you say that you wish that the hill areas of Assam should be cut away entirely from the plains area, or do you think that they should come under the Governor-General as a separate unit?—(Dr. Hutton.) Personally, my own view is that they would be better cut away entirely, but it would not be a possible procedure under the White Paper as drafted. There is no provision for such total exclusion.

D59. I was asking, rather, what you wished?—My own idea would be to administer them independently directly under the Government of India.

D60. And have them administered from an All-India Service?—I think that would be preferable, yes. You might recruit it from all sorts of other Services. You

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could borrow from the Army, Forest Department, the Civil Service, and the Police, where you found suitable men.

D61. Would you say that the experience of someone who had specialized in the Assam tribes would be available if he were transferred, let us say, to Chota Nagpur?—His experience would be available. His language would be the difficulty. He would have to learn fresh languages.

D62. Do you think that in such a Service it would not be possible to provide a career, so that you would not have officers who had specialized in these areas having to go back and take up a different sort of work in order to get a higher position in the Service?—I think if you included all the areas it might be possible. It would want careful working out—if you included the islands.

D63. With regard to the finances of the backward areas, do you think that they should come from the Centre or should they come from the Provinces?—I think that is a question I am hardly competent to answer. In some cases, where the tribes inhabit a frontier, I think it would certainly be reasonable that both the Province and the Centre should contribute, it is a matter of frontier insurance.

D64. Let me put it in this way. I take it that the backward areas are, generally, a cost to a Provincial Government?—Yes; they are not remunerative. (Wing-Commander James.) Not all; some are very remunerative. Some of the forest areas are very remunerative.

D65. Yes; but as a general rule I dare say the larger areas of the backward tracts are a deficit?—(Dr. Hutton.) I think they barely pay their way as a whole. The actual areas that are administered as non-regulation districts at present do not pay their way.

D66. Will not there be a tendency if they are cut off from the Provinces, if they have to come on to the common purse, for the Provincial Government to prefer to spend its money on the areas which are directly represented, rather than on these excluded areas?—I am sure they would; that seems to me to be one of the difficulties, but I think the Provincial Governments have been most unwilling to spend money on the excluded areas if they can help it.

Mr. R. A. Butler.

D67. I think it might help the Sub-Committee to say that there is an actual

loss on the backward areas in Assam. For policing purposes the cost amounts to 21 lakhs?—That includes the Military Police. Although on paper that is a debt to the backward areas, because that is where the police are posted, they are very often used in fully administered areas on the plains; for instance, in the Bihar riots the Assam Military Police were called on to such an extent that we could hardly keep up our own garrisons.

Lord Eustace Percy.

D68. To make it quite clear, is not it a fact that that loss of 21 lakhs only relates to the backward tracts which the Assam Government want the Central Government to take over? It does not cover all the tracts in Assam which you propose, on page 201, to exclude, does it?—No.

Major C. R. Attlee.

D69. It is, is it not, in a number of cases, more or less an accident that certain backward tribes are tied up with certain Provinces? For instance, Chota Nagpur with Bihar?—Yes.

D70. So it is quite natural that they should not be keen to spend money on it. Would you, generally speaking, agree with the recommendation in the Statutory Commission, that the backward areas should be a Central charge administered by the Governor as agent of the Governor-General?—Yes, I think so; I would agree with that. You mean the responsibility being with the Governor-General?

D71. Yes?—Yes.

D72. Taking Assam, you said that it might be possible to separate these hill areas altogether from the plains. Is there, as a matter of fact, any tendency for a borderland to grow up between them in which both sections are interested? Is there any extension, so to speak, of plains civilisation to the hills area?—In most of the hill districts none. The forests which divide the hills, which come down from the hills into the plains, are, in point of fact, geographically part of the hills, and at present they are administered as part of the plains districts, but there is no real overlap in Assam.

D73. I gather it is your view that in the interests of these people you should preserve their present simple form of administration and not try to bring in a more advanced form?—I think some form of development might be very slowly introduced; I think it probable



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it ought to be, but it would have to be a very very simple form, and it could not come about for many years. At present the present simple form of administration would have to continue, but I think something might be done in the direction of forming a tribal Durbar or a tribal Council which would ultimately voice the opinions of the tribe

D74. Is your view that the kind of administration wanted is an experienced officer who guides the people in all their affairs rather than a full administration divided up into all kinds of different activities?—Yes, very much so. I think an experienced officer who can guide the civil administration is what is wanted. For instance, in Assam most of the hill districts provide their own police; the outside police are not allowed to go into a hill village without permission, and the people are perfectly capable of providing their own police; they do all that sort of work themselves, and it would be the greatest mistake to introduce the police officers with Thanas and so forth. That is only an instance which applies to all parts.

D75. Adverting to the point put by Sir Reginald Craddock with regard to the Backward Tribes who are scattered amongst the rest of the population, would it be possible in your view for an administrator who was administering a regular excluded area to be the Governor's officer for protecting the scattered ones, if there were such, in a Province?—I think that would be possible, yes.

Mr. R. A. Butler.

D76. I want first of all to ask one or two questions about Wing-Commander James's suggestion for a Forestal Administrative Service. I think, Dr. Hutton, you referred to the difficulty of having a small cadre of officers in any service. In the projected Forestal Administrative Service which is suggested in Wing-Commander James's note, can you tell me what the size of this service would be and what the cadre of such a service would amount to in numbers according to your idea?—I could not possibly do so offhand. (Wing-Commander James.) May I point out that I do not think anybody could answer that because the boundaries have never been delimited at all. The Secretary of State, for example, has pointed out that there will have to be an inquiry. To delimit constituencies I suggest that the

same sort of inquiry is essential to delimit the tribal areas.

D77. In making this suggestion it struck me that you might have formed some idea of the size of such a service?—I have asked a number of Forest Officers serving and retired, and they all thought that it was probable that the area would permit of such a service, but I have not yet met anyone who would express an opinion outside his own Province.

D78. May I put it to you that it is likely, considering the present experience—take one Province, Assam, for example, where very few officers are involved in the work in the Backward Areas—that this would be in fact a very small service?—I should think it would be very small.

D79. In that case do you not think that the difficulties which Major Attlee has put forward would arise in the case of language and in transferring these officers from one district to another, very often totally dissimilar in every way?—I did not suggest it as being a perfect scheme. I suggest it merely *forte de mieux*, because nobody, and I have inquired of many people, has suggested any alternative.

D80. I am only trying to get your ideas, because every suggestion is, naturally, helpful to the Committee. You raised one difficulty in the course of your notes, which is that of health, and you say that this idea must be put forward because it will be impossible to move officers from unhealthy tracts to healthy tracts. Would not that be equally possible if the converse of your scheme were accepted and if Provincial officers were occasionally transferred to the Backward Areas and those who had been working in the Backward Areas were transferred back to ordinary district work?—It would be possible, but the difficulty there arose in my suggestion that in view of the rapid Indianisation of the Forest Service there would very shortly be a scarcity of suitable officers.

D81. Sir Reginald Craddock raised the point about the scattered nature of many of these aboriginal populations, how they intermingle with ordinary districts in many cases in the Central Provinces. Would it not be possible to say that the work for, at any rate the partially excluded areas, would be done in the majority of cases by ordinary district officers and not necessarily by the Forest



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Service?—That would depend upon the delimitation of boundaries that I suggested was necessary.

D82 But in the event of scattered populations being in the middle of ordinarily administered territories, it would be possible for the ordinary district officer to do the work better than anybody else?—Certainly in that case.

D83. And in that case it would be possible to fulfil the desideratum of a change in climate within one Province by changing the officer's station from one to another?—It might be.

D84. It would also be easier for the officer to assimilate the language of one Province?—Certainly.

D85. It would therefore seem to be better to organise these services more on a Provincial basis than on an All-India basis taking into consideration the question of the small size of the cadre of the service?—It appears to be incapable of answer until the delimitation is done

Lord Eustace Percy.

D86. I wonder if we might ask Dr. Hutton for his opinion on this question of a separate service?—(Dr. Hutton) I was trying to think of the number of districts. My opinion is that a separate service might be of advantage. It might be possible to combine it with the Foreign and Political Service.

Dr. Shafa'at Ahmad Khan.

D87. Not the Forest Service?—Not the Forest Service.

Mr. R. A. Butler.

D88. At present I understand the Home Department would be a more likely Department to be involved—not the Foreign and Political Department?—Yes; I think there would be enough districts to form as many posts as a small Province.

D89. You consider that the difficulty of language and assimilation of new ideas which is so much recognised in the Colonial service would not arise in this case?—The difficulty of language would arise. I am not sure about the difficulty of ideas; no, I think not. No difficulty of language could be greater than we have at present in Assam in my last district. There were 16 different languages as different as the languages of Europe.

D90. It would be your suggestion that this service as suggested would be a small cadre?—Yes, that is my suggestion.

Lord Eustace Percy.

D90A. What would be the top-most plum to which the man in such a service would rise?—That is a point I had not considered. It would depend entirely on the way in which you decided to arrange the service. The highest post would be somebody under the Government of India but connected presumably with the Home Department equivalent to the Head of a Department.

D91. There are two considerations obviously to be borne in mind. One is: What is the number of posts which would be reasonably possible for a married European, because I gather you want a largely European Service?—Yes.

D92. And what would be the proportion of posts to which a man could look forward, at a really fairly high salary, to conclude his service?—The average man at present cannot look forward to much more than being first grade Deputy-Commissioner, and most of the posts involved in a service of this kind would be Deputy-Commissioner posts. You might add a Commissioner or, if you liked to call him so, a Chief Commissioner—an officer to cover the Head of the Department, whoever it is, with the Government of India, and possibly a Secretary of some kind.

D93. What about the conditions of living for a married European?—It is better in most of the backward tracts than in the plains. They are mostly higher in the hills.

Mr. Butler.

D94. Would not there be great overlapping of work in a district which was partially excluded in which, as Sir Reginald has pointed out, the aboriginal population was scattered?—Yes.

D95. Very great difficulty?—There would be great overlapping of work if you had a separate officer for a scattered aboriginal population.

D96. One being a Forestal Service and the other being an All-India Service working in the Province?—Yes.

D97. It would be very difficult to administer?—Yes, but my point was that the districts I mentioned here were areas which could be totally excluded.

Major Attlee.

D98. We know, Dr. Hutton, you have done a very large amount of research work into the condition of tribes, and so forth. Is that kind of work done among

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officers who take up work in backward areas?—No; there are a certain number of officers who take it up, but they are a small proportion.

Mr. Butler.

D99. I wanted to raise one or two other points. Would it help you at all in discussing the type of officer which I think Wing-Commander James has certain apprehensions about?—(Wing-Commander James.) So did the Simon Report.

D100. I quite understand, and I fully sympathise, if I may say so. Would it help at all if the type of officer who would be likely to serve in a partially excluded area were submitted to the approval of the Governor? I am only putting out suggestions. Would it help?—It would depend upon the Governor, which is again an unknown factor

D101. But it would be likely to do so?—It would be likely to do so, yes

D102. From the point of view which I have raised earlier, that if a member of the All-India Service working in a Province was administering a district which was partially excluded and, at the same time, doing his district work, it would probably be of the All-India Service which would, at any rate for five years, according to the White Paper proposals, be recruited by the Secretary of State?—Yes.

D103. And the whole matter would be discussed and gone into later as set out in the White Paper?—Yes, but it has been going to be gone into and discussed for so long that I thought the time had now come for it to be discussed and settled.

D104. I was discussing the issue of future recruitment which is another issue?—Yes.

D105. I want to ask you one or two questions about the representation of the backward areas. The matter, I think, has been dealt with in the Franchise Committee Report, and I would like to ask the valuable help of these witnesses as to the best method of representing the aboriginals in the legislatures in the Provinces. Could I ask Dr. Hutton if he has any suggestions to make as to the best methods? You mentioned a tribal durbar. Have you any suggestions as to how a representative of those areas is best elected to a Provincial Legislature?—(Dr. Hutton.) No, because it

seems to me that the real representatives of the areas are the older men, who are familiar with custom, and who are recognised by the younger people as representing them, but who are quite incapable of coming forward in anything like a legislative assembly. That is the great difficulty. The man who really represents the feeling of his village is not the educated man who can come forward in an Assembly and play a part, but one of the old men of the village who retains the traditions of his tribe. For that reason, I would urge total exclusion wherever possible.

D106. That does not answer the point as to how, according to the White Paper Scheme of Representation in the Legislatures in the Schedule of Representation you would organise the representative of the aboriginals?—(Wing-Commander James.) I think it would be so valueless that it should not exist at all. (Dr. Hutton.) Nomination, I think, would be best

D107. I think earlier on Wing-Commander James pointed out that the representation was not sufficient?—(Wing-Commander James.) And could not be made sufficient. I do not see how it could possibly be made worth their having.

D108. In that case, the argument that there is not enough does not prevail?—No; I use the argument merely to show how they had been ignored. I was not complaining that they had not enough.

D109. Have you any further suggestion as to how representatives of the aboriginals in the Provincial Legislatures could be put forward?—No; I am for the maximum of total exclusion which would remove them from the legislatures altogether.

D110. That does not help in an area which might be a partially excluded area in which there are many individuals among the aborigines who are located there?—I beg your pardon. That is quite true; it does not. I think they would have to take their chance in the general constituencies. I do not see how they could do otherwise. (Dr. Hutton.) I think in that case it would be possible for them to elect through their own tribal organisation where it survives. You might work a franchise on a tribal basis which was not governed by property. A man recorded as a member of a tribe and not as a member of a caste might have a vote as head of his

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household or tribe. You might work something on that line. I do not say it would be satisfactory. It would be better than no representation of any kind and no exclusion.

D111. We were naturally talking of those areas which were partially excluded?—Yes.

D112. You think that is the best method?—Yes. But I do not advocate the partially excluded areas. I do not wish to be understood to be advocating that.

Lord Eustace Percy.

D113. You have proposed on page 20 that a number of areas should be partially excluded?—Yes; where total exclusion is not possible. I would admit that there are areas where that is the only way.

Mr. Butler.

D114. You have admitted that there are some small villages of Gonds or Bhils in the midst of an area where no other course would be possible. Both witnesses have admitted that, and we are trying to meet difficulties which you have yourself raised?—Yes.

Sir Hari Singh Gour.

D115. I want to ask Dr. Hutton whether the conditions he has described in Assam apply all over India and in Burma, the Shan States, and so on?—I am not certain that I have described any conditions in Assam.

D116. The aboriginal tribes in Assam occupy certain localities?—Yes; that is true partially of other parts of India, certainly.

D117. But can you say the same thing occurs in the other Provinces?—I should say it occurred in the Agency tracts in Madras; in certain districts of Chota Nagpur, not all over, but in the Palamau and Ranchi Districts; the Damini Koh, in the Santal Parganas; the Kolhan in Singhbhum; Lahaul and Spiti, undoubtedly in the Punjab; and probably areas in Southern Madras with which I am not acquainted; Nicobar Islands and Laccadive Islands; part of the Central Provinces. I do not know the Central Provinces well enough to give any areas; the Chanda Zemindari.

D118. You said that the Hindu and Muhammadan law governs the aboriginal tribes?—I did not say that quite.

D119. What did you really say?—I said the Courts administered Hindu and Muhammadan law.

D120. Do you think that that is wrong?—Yes.

D121. You remember the declaration made by Warren Hastings in 1775 which became the Regulating Act a year later?—No.

D122. In which it was laid down by Parliament that the Hindu law shall apply to Hindus, and Muslim law to Muhammadans, and that excluded everybody else?—Yes.

D123. And in Calcutta the Privy Council have pointed out that the Hindu law applies to Hindus and that everybody who was not a Musselman was governed by Hindu law, and that was applied by the British Courts. That has been going on for about a century and a half?—Quite so. That is one of the things I am objecting to.

D124. Your complaint therefore is of the past?—And the present.

D125. The difficulty has now arisen that that law has now become stereotyped in the case of many aboriginal types who have been following *notens volens*, the family law, and accepting it?—In some cases, that is true; in many cases not. I do not think it applies among the Gonds of the Central Provinces at all.

D126. Many of them claim to belong to the Kshatriyas, the ruling classes?—Some of the sophisticated Gonds do.

D127. And the rest would belong to the Hindus?—Many of them; not all of them.

D128. Have you noticed that these tribes are gradually becoming assimilated to Hinduism?—In some cases, certainly. In one case, at any rate, to Muhammadanism.

D129. But in the bulk of them the tendency is to gravitate towards Hinduism?—Yes.

D130. For how long has this process been going on?—I imagine for 2,000 years.

D131. Therefore, if you were to lock them up in compartments of their own, do you not think this process of evolution would be retarded?—Not necessarily. Nobody wants to interfere with their religion; at least, I do not.

D132. At the present moment, every member of the aboriginal tribe when he leaves the village and comes to the town becomes a member of the Hindu community (I am speaking of the bulk of them; some of them become members of the Muslim community as well) and they take part in the daily life of the Hindus

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and mix with them, and they are not regarded as depressed classes at all?—They are usually regarded as depressed classes when they become Hindus.

D133. Not the Gonds?—In Bihar and Orissa, certainly.

D134. That may be so, but in the Central Provinces the Gonds and the Bhils are not regarded as depressed classes?—Are they not?

Sir *Reginald Craddock*,] They governed the country for four centuries.

Sir *Hari Singh Gour*.

D135. Quite so. As a matter of fact they are proud of the fact that they were the rulers of the country?—In Madras, certainly they are treated as depressed classes.

D136. So the observations you have to make would be qualified to the extent that conditions throughout India are not the same and a generalisation dealing with the aboriginal tribes might be true as regards one province or locality, but would not be true of another province or another locality?—It might not be equally true as regards all provinces. I admit that you cannot generalise completely for India. It is a very large place.

D137. Looking at the question from the dual aspect of administrative and legislative protection and judicial protection so far as legislative protection to the aboriginal tribes is concerned as far back as 1874, the Indian Legislature enacted the Scheduled Districts Act which lays down that no Act of the Indian Legislature will *ipso facto* apply to the scheduled districts unless it is expressly extended to those districts?—Yes.

D138. And the scheduled districts were mostly the backward tribe areas where the aboriginal tribes and other backward races lived?—Yes, certainly some of them, anyway.

D139. Do you think that in spite of that Act, the aboriginal tribes have suffered?—I do.

D140. To what do you ascribe their suffering?—There are various causes in different places.

D141. So you are not able to generalise even on that ground?—No.

D142. If, therefore, we do not know what are the causes which lead to these sufferings on the part of the aboriginal tribes, we cannot lay down one general rule as to how to deal with them?—I

would not say that. One may not know the causes of an illness, but one may know the general rule for applying a cure.

D143. For example, in one of your paragraphs it is stated that the tribal law amongst certain aboriginal tribes legalises a forcible marriage—marriage by capture?—Yes.

D144. It is in Memorandum No. 86?—Yes.

D145. I read to you that passage in your memorandum: "Further, wherever aboriginal areas come within the scope of the activities of the High Courts, actions which are perfectly correct according to aboriginal standards are liable to be punished as contrary to law. Thus, quite recently, a Bhil was convicted and sentenced for effecting a marriage by capture, which is a recognised form of Bhil marriage and which would undoubtedly have been acquiesced in by the society in which he lived, had there been no possibility of moving Courts." You think you would like to stereotype a law of that kind?—I would not stereotype the law. It is the stereotyped law that I am objecting to. It is the High Court that has stereotyped the law.

D146. The High Courts say that it is against common morality and the freedom of man that a man should run away with a girl and seize her by force and that society should tolerate that as a marriage, and you say that the High Courts were wrong in punishing the man because he used force in obtaining a wife?—It was probably a put-up job. All those runaway marriages are.

Sir *Reginald Craddock*.

D147. Gretun Green?—The trouble comes in when you stereotype the law and do not allow a case like that to be settled by local custom. I quote a definite case later on from Assam. Everybody knows what happened there. The man ran away with a girl because he could not pay the price demanded by her parents, and the parents brought a case in Court *pro forma* simply in order to save their faces. There was no intention of harming the man. Everybody was horror-struck when the man was sentenced to penal servitude for life.

Sir *Hari Singh Gour*.

D148. I am not horror-struck if a man runs away with a girl without her consent, whether the father was reconciled

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to it or not, I would still regard the man as guilty of abduction?—On paper.

D149. With regard to the nature of the protection that you advocate for the backward aboriginal tribes, you said that they should be excluded altogether from the White Paper scheme?—I should like to see them excluded, yes.

D150. Completely excluded and constituted petty States?—I think that is best.

D151. Is that the view of Commander James?—(Wing-Commander James.) I did not put the suggestion forward at all.

D152. Do you approve of that suggestion?—I have not thought it out. I only saw Dr. Hutton's Memorandum for the first time yesterday and I had never met Dr. Hutton before.

D153. Do you think, Dr. Hutton, that that is a feasible proposition?—(Dr. Hutton.) Yes, I think so, in certain cases, but I do not think so in all cases. I think in many cases it would be a most satisfactory solution.

Sir Reginald Craddock.

D154. You mean people like the Lushis?—Yes, the Lusheis. I see no reason why they should not run their own tribal states ultimately.

D155. And the same in Burma?—Yes, the same in Burma. I think it could be done in Lahaul and in Spiti, probably.

Sir Hari Singh Gour.

D156. That is to say, such a thing may work out in some cases?—Yes, I do not think you could do it in all cases.

D157. Then I think, you said, Dr. Hutton, that you would let justice be administered by tribal organisations?—I am not sure that I said that.

D158. You spoke in your oral statement about the tribal organisations?—Yes.

D159. Have they got any tribal organisations, as distinct from punchayets, which dispose of caste questions and questions dealing with ritual and the rest?—It is not necessarily identical with the punchayets. In Assam it would be generally a clan meeting within a village or part of a village. The organisation would vary tremendously in different parts of India.

D160. But do these organizations deal with secular matters?—Yes, certainly, secular rather than ritual. They do not deal with ritual matters.

D161. They do not deal with matters of religion and ritual?—I do not think so.

D162. They will not deal with questions of succession, inheritance, partition, and the rest of it?—Yes.

D163. They deal with all those things?—Certainly.

D164. But in the 150 years of British rule in India has any organization or any British officer ever pleaded in any court of law that such a custom existed? Are you aware of a single case in which such a plea was taken successfully or unsuccessfully in any court of law?—I am not sure that I quite follow your point.

D165. If there were a tribal organization, that would deal with questions of domestic law?—Yes.

D166. Questions such as partition, marriage, succession, and inheritance, as distinct from the general Hindu or Muhammadan law, as the case may be. I should have expected that such a plea would have been taken in a court of law during the 150 years of British rule in which the courts have been administering justice according to the customary law in the absence of any rule to the contrary?—But we do administer the customary law; my court often administered the customary law.

D167. If they do administer the customary law, then what is your complaint against the administration of the courts at the present moment?—There is nothing against the courts that administer the customary law. What I am afraid of is that once the district is regularized the administration of the customary law will be prevented.

D168. But you have no complaint at present?—There have been complaints. In some parts of India, certainly I have a complaint. I think the law that administers the Succession Act in certain Provinces has not always administered the Gond law fairly. The number of tribes excluded from the Succession Act by Government Administrative Orders in the Central Provinces is only eight, whereas there is a very much larger number of tribes in which the succession customs are not those of the general law.

D169. The point I am making is that it is open to those tribes to set up a customary law at variance with the general law if they wish to enforce that custom?—I do not think it is open to them under their present conditions, in practice; theoretically it may be open to them.

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D170. But what is the impediment in the way of pleading, setting up a custom at variance with the general law?—Finance, probably.

D171. And the assistance that they would get from the lawyers you want to do away with?—Certainly, I do; I should like to have lawyers totally excluded.

D172. You would like to do away with the lawyers and with the High Court?—And with the High Court.

D173. The lawyers are the only people who can advise them to set up a custom because that would be a very good plea in their case if they wished to set it up in derogation of the ordinary law?—We get on very well without them in the hills.

Mr. R. A. Butler.

D174. Is not it true that the pleader would have to get the permission of the Deputy Commissioner before entering an excluded district?—In some districts that is true, in some it is not; it depends upon the Province and the local orders.

D175. That ban would appeal to you?—It is required in some districts yes. I do not know that it applies to the whole of India.

D176. It is a proposition which appeals to you?—It certainly does, very strongly.

Sir Hari Singh Gour.

D177. What is the Deputy Commissioner's position in giving information?—In my own case I should have regard to the financial position of the parties, and as to whether I thought a pleader would be likely to obscure the issue or not. I have found pleaders extremely useful but there are cases in which I should prefer that no pleader should appear, because there would be some chance then of getting at the truth.

D178. Would you not be prejudging a case in deciding a question by finding out whether a pleader should be appointed, because you do not know what the pleader would set up?—Exactly. He would set up all sorts of points which the parties would never think of for themselves, and would therefore introduce an element of injustice into the decision.

D179. But that is an objection to pleaders as a class, not in relation to their appearing for the aboriginal tribe; it is an objection to the class appearing in the courts at all, is not it?—Not quite; I do not think that is a fair assumption.

D180. It may be a difference of degree but not of kind?—Quite so. I admit that May I add that Sir John Simon came to the district in which I was serving and he said, "Do you allow lawyers in your Courts?" I said: "They are not allowed without the permission of the Commissioner, which is only given for good and sufficient reasons." He said: "Whatever you do, do not let them come in. They will only ruin the place if they come in."

Dr. Shafa'at Ahmad Khan.

D181. Dr. Hutton, I suppose you think that Section 52A (2) of the Government of India Act dealing with the backward tracts has not worked well?—I am afraid I do not know what Section 52A (2) of the Government of India Act is.

D182. You are not satisfied with the proposals in the White Paper?—No, I am not satisfied with the proposals—quite.

D183. You think that they should go further?—I think they should go further, yes.

D184. You agree, generally, with the recommendations of the Simon Commission?—As regards the backward tracts, yes.

D185. Could you give me, very briefly, an estimate of the area of the backward tracts? Besides Assam, what other tracts would you include in the area of the backward tracts?—I have given you that on pages 19 and 20 of my Memorandum.

D186. Are you aware of the fact that the Government of India opposed some of the proposals of the Simon Commission?—Yes, I am aware of that.

D187. Are you also aware of the fact that a number of local governments have not agreed with the proposals of the Simon Commission?—No, I am not aware of that fact, but I should think it is quite likely.

D188. Are you aware of the fact that the Punjab Government have actually said that there is no need for the protection of Lahaul and Spiti?—I disagree with the Punjab Governments entirely.

D189. The Madras Government said also that the proposals of the Simon Commission regarding the backward tracts go too far and that a slight modification of the existing practice would be quite suitable?—I disagree with the Madras Government.

D190. So that, in your opinion, the backward tracts which exist now must



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be retained in their entirety?—Yes, and I should like to see them added to.

D191. And the possibility of the fusion of the backward areas with other areas should be taken into account?—I should not say that. I should leave the backward tracts to fuse themselves at any time afterwards, if they wished to do so, of their own motion.

D192. In holding that opinion, you crystallize and make rigid the arrangements of the backward tracts, not only for the wholly excluded areas, but, as you propose, for the partially excluded areas?—I see no difficulty in an area applying to be included with an adjacent district or Province, and, if the Province were willing to take it in, to include it ultimately.

D193. You agreed, in reply to a question, that a process of assimilation and absorption is going on?—In certain areas it is certainly going on.

D194. Do not you think that the process will be checked as you go further if you make your arrangements so rigid as to place the backward areas in watertight compartments?—(Wing-Commander James.) I would suggest that it would be accelerated, because if you do not exclude them they would absolutely certainly be starved by the rest of the Province.

D195. Do you agree with Commander James's opinion, Dr. Hutton?—(Dr. Hutton.) Yes, I think I do. I had not thought of it in that light. I should like to think that over. I am not quite sure whether I have read your question in the same light as he has. I think Commander James's point is that if the area is not excluded it will be starved of money and will have no chance of development on its own lines. I entirely agree with that.

D196. Are you not aware of the fact that even according to the conditions of the White Paper the backward tract may not be starved at all because the Governor may have power to allot funds for the development of the backward tract?—(Wing-Commander James.) That would be so if you assumed that the White Paper does not mean what it says when it allots the whole of the Forest revenue to the Province.

D197. Your contention is that the revenue derived from the forests, which are inhabited exclusively by primitive tribes, should be devoted exclusively for the development of that particular area?—I would not make it as rigid as that, but that is the general idea.

D198. Are you aware of the fact that this was the claim of the hill tribe of Nainital put forward in my province, and they demanded that they should be allowed to cut any amount of timber they liked from the forest, and the Government quite rightly pointed out that if this was done the whole Province would be seriously affected? If your principle is carried out, do you not think that the revenue derived from those forests will be devoted almost exclusively to a particular area and the Province cut up into spheres of influence or spheres of revenue earmarked for particular areas?—No, I do not presuppose any tariffs or financially rigid barrier.

D199. But you do propose earmarking revenue?—No. All I pointed out was that under the existing proposals, without qualification, the whole of the revenue from the areas inhabited by the primitive tribes is allotted to the Provinces.

Mr. R. A. Butler.

D200. May I say that that would not prohibit the Governor from making a regulation or passing an Act which would assist the partially excluded area and so help the aboriginals? The powers necessary for this are all to be found in the White Paper?—But he would do so presumably through an Order in Council.

Lord Eustace Percy.] No.

Mr. R. A. Butler.

D201. His powers are derived from the procedure known as that of his "special responsibility," which gives him full powers to assist the partially excluded areas in the way that Commander James desires?—Is there not a potential source of conflict between the Governor and the Legislature which will normally be thinking in terms of its constituents and not of the hill tribes?

Sir Hari Singh Gour.

D202. May I point out that the Legislature cannot even ask questions relating to the backward tribes? True, I accept that, but equally the Governor, according to the Secretary of State's reply the other day, has no power of intervention whatever with regard to forest matters. I am merely pointing out that that appears to be a complete conflict of principle in the White Paper.



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Mr. R. A. Butler.

D203. He has a perfectly full power under his special responsibilities. I think Commander James is confusing the question of forests in India with the question of the future aboriginal population?—I am submitting that they are so inextricably mixed up that the present proposals are conflicting.

Mr. R. A. Butler.] I do not agree.

Dr. Shafa'at Ahmad Khan.

D204. Commander James, even under the existing rules framed by the Government of India in accordance with Section 52A (2) of the Government of India Act, the Government can allot funds for the development of backward tracts without going to the Legislative Council for the purpose?—I am very glad to hear it.

D205. Then would not you be satisfied with the existing arrangement?—No.

D206. Why?—Because I see in the existing arrangement there being a perpetual source of conflict.

D207. You would like to have definite sources of revenue placed at the disposal of the Governor for that particular purpose. Is that what you mean?—No. All I have pointed out is that the normal source of revenue derived from the area inhabited by the primitive tribes is at present allotted without qualification to the Provincial Government.

D208. But of the total amount a certain amount is taken for the development of the backward tracts? Does not that come to the same thing?—It might do; I hope it would.

D209. But has it not done so actually?—It may have done so in the past; I am trying to safeguard the future.

D210. But is not it an adequate safeguard if the Governor is given power of allotting funds without going to the Legislative Council?—I am not competent to express an opinion upon that. I have put forward my fears.

D211. Then your conception of a separate cadre for this service is intimately connected with Forest Service?—I think in the interests of economy it would have to be so.

D212. You would differ from Commander James on that point, Dr. Hutton. You would like to have a separate cadre, not necessarily connected with the Forest Service?—(Dr. Hutton.) No, not necessarily so. I should like to have the opportunity of drawing officers from the Forest Service.

D213. Of course they have an opportunity of drawing officers from other Departments also?—Certainly.

D214. You would not restrict it to the Forest Service?—No.

D215. You would, Commander James?—(Wing-Commander James.) I would not restrict it to the Forest Service, no.

D216. But generally you would restrict it to the Forest Service?—Not even that. I think at the present moment, to start with, it would probably be found that most of the officers available and suitable were in the Forest Service mainly because that is the Service mostly in touch with the primitive tribes.

D217. It would be an All-India Service?—I take it so.

D218. How could the officers of the All-India Service know the numerous backward tracts to which they might be assigned because, I take it, there is no positive factor uniting the various backward tracts, the only negative factor is that of being backward?—That is so.

D219. How can you be really certain if there are a tremendous variety of customs throughout India?—That difficulty exists at present as Dr. Hutton pointed out in a reply to a previous question.

D220. Would not it be better to have Provincial Officers appointed by each Province for this service instead of an All-India Service?—It might be found better to do it that way.

D221. And more economical?—It might be found to be so. I only put it forward as a tentative suggestion.

Dr. B. R. Ambedkar.

D222. Dr. Hutton, in reply to a question by Major Attlee, I think you stated that you would prefer that the administration of the excluded areas should be a central subject, rather than a provincial subject?—(Dr. Hutton.) That is my own feeling.

D223. I just want to ask this. When you say it is to be a central subject, do you propose that it should be a reserved subject or a transferred subject?—A reserved subject.

D224. I just want to turn to some other matters which have been discussed in your paper. I think you are proceeding upon the basis that these people should under no circumstances come within the purview of the new constitution?—That is so.

D225. That is the hypothesis and the basis upon which you are proceeding?—

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I admitted that in some circumstances where they are very scattered living among other populations, it would be otherwise.

D226. But in the main, that is the hypothesis upon which you are proceeding?—Yes, in the main.

D227. What is the ideal that you have before you for these people? I will crystallise my question so that you may answer it better?—The minimum of interference by anybody.

D228. Let me put it in the way I visualise the question. Is it your ideal that these primitive people should continue to remain primitive people without having anything to do with the affairs of the rest of India, or do you propose that the destinies of these people should be so regulated that in course of time they should cease to be an isolated part of humanity and take part in the public affairs of their country as the rest of Indians are doing now?—I think that the second is my ideal.

D229. That they should not continue permanently as primitive people?—The question would have to be that, if possible, ultimately they should take a part in the life of their country.

D230. That is what I say?—But it is possible that in some cases you might never be able to achieve that ideal.

D231. Let us, first of all, ascertain what the ideals are?—Yes.

D232. I am not introducing the religious question at all, whether they should be this or that?—No.

D233. What you do point out is this: You do say, and I think it is your ideal, that they should become part and parcel of the civil society?—Yes.

D234. And outgrow their tribal condition?—Yes, I think that is necessary.

D235. Let me therefore proceed further. If that is the view, is it not desirable that there should be a common cycle of participation both for the civilised people of India and for these primitive people?—Not yet.

D236. So that there may be a percolation of the ideas which are agitating the minds of the civilised part of Indian society into this primitive class of people?—I think the ideas will percolate without any difficulty.

D237. How?—What troubles me is that unless they are separated they are likely to be destroyed by too abrupt contact. That is what has happened nearly everywhere else in the world.

D238. I do not know but I do want to submit to you for your consideration whether if, as you have admitted, that is your idea, namely, that they shall some day become part of the Indian society, segregation, and so complete and so rigid a segregation as you propose, is the proper way for the realisation of that ideal?—I think it is the only possible one myself.

*Sir Reginald Craddock.*

D239. Might I put a question? There are various educational agencies going on in some of those tribes. Is not that the case?—Yes, certainly.

D240. Are they chiefly missions, or was the Government any schools?—The Government has a number of schools.

D241. That would be one of the points that you would refer to in connection with the improvement of these places, would not you?—I should.

*Dr. B. R. Ambedkar.*

D242. I want to proceed a little further. I see from your paper (correct me if I am wrong) that you are troubled about two things. You think that a contact or incorporation, if I may use that term, of the educated or the advanced or the civilised Indians, and of the primitive people in one constitution is likely to result, first of all, in their exploitation by the advanced classes or, shall I say, the civilised part of the Indian society?—Yes.

D243. Secondly, I suppose I am right in summarising it thus, that you are afraid that sufficient attention will not be paid to them in the new Council?—Yes.

D244. Let me put to you one question: I will take the case of their land. Is it not a fact that this question, namely, of keeping the land in the hands of the primitive people as far as possible so that they may not be rendered a class of landless labourers, is also the problem which is before many of the agricultural classes in India, and that even for their protection it has become necessary to pass Acts like the Decan Agricultural Relief Act in Bombay and the Alienation of Land Act in the Punjab and several other cases?—I believe such Acts have been passed.

D245. My suggestion is this, that if these primitive people are brought under the same constitution as the rest of India they would not be quite alone in their demand for keeping the money-lender out and seeing that the land remains in the

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hands of those who cultivate it. There would be many others who would have a similar demand to make in the Legislature. The point I want to make is that they would not be isolated?—The point which I should be inclined to answer was that the proof of the pudding was in the eating, and, as far as experience went, it has shown that they always have been done out of their land.

D246. But, Dr. Hutton, would you mind making this distinction, that the Legislatures, as they are composed to-day, and as they were composed some time ago, are not going to be the same as the legislatures that will be composed under the White Paper?—Yes.

D247. You would have a certain amount of representation of the depressed classes in the various Legislatures. You would have a certain amount of representation assigned to labour, and you would have, I am sure, a certain amount of representation drawn from the general electorate who would favour the poorer classes. The experience of the last Legislatures would be no safe guide in a matter of this kind?—I would sooner be on the safe side and exclude them.

D248. I do not know, but you are not prepared to deny the fact that they would have many friends in the Legislature?—I would not admit that. I should like to be convinced first that they would have many friends. There may be others with similar interests, but they would have very little in common with them individually.

D249. Yes, but I mean so far as the general question of protection for a class similarly situated is concerned?—I can conceive that a Musalman cultivator of Sylhet would demand the maximum of protection for himself and the maximum of non-protection for his neighbours.

D250. Do you think the Legislature would go to the length of saying that certain laws which are necessary in the interests of Indians are not to be extended, and that the protection of those laws is not to be given to the primitive classes?—No, I do not think they would go as far as that.

D251. How would the discrimination arise?—I think the primitive classes might have extreme difficulty in obtaining the necessary protection. There is no guarantee with the depressed classes that the cultivator will obtain the necessary protection under the new constitution.

D252. Quite true; I agree with you. There can be no protection that the other classes probably would not club together and prevent protection being given to some other minorities? The fear is legitimate, but taking into calculation all the forces on the one side and all the forces on the other, the point I want to make to you is that the fear, that one or two, or a few representatives of the primitive classes in the Provincial Council will feel that they are overwhelmed by the forces on the other side, is not quite justified by an analysis as I am presenting it to you of the composition of the future Legislature as it will be under the White Paper proposal?—In view of the difference of race, I think it is possibly justified, at any rate in certain places.

D253. Take the question again of education. I happen to know something about these primitive people in the Bombay Presidency. We have a backward class?—Yes, I know.

D254. We ourselves are not very far divided from them?—I know.

D255. Educationally speaking, one could not really say that a good many people in India are in less need of education than the primitive or the backward people?—You could not say what?

D256. You could not say (take, for instance, the depressed classes) that bare educational need is less?—You could not say that it was less.

D257. One could not say it?—No.

D258. I have been sitting on the backward class board in Bombay, which is a composite board for the depressed classes and these primitive people?—Yes, in certain cases the primitive people are very much more educated.

D259. Therefore, as I say, taking their educational need, in the legislative Council, they would not find themselves isolated?—They might do.

D260. You would desire that they should be completely excluded, and their need, such as education, which I think is the greatest need of these people myself, should be met entirely by revenues supplied by the Governor under his special responsibilities?—Yes.

D261. I want to put this to you: whether a Governor would at all go to the length of providing what he thought was a sufficient amount of funds for the education of the primitive classes if his Ministers did not support him?—That is a serious difficulty.

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D262. If there is something in the point that I have put to you, would not it be desirable that some representatives of these people should be in the Legislative Council so that a Minister may be dependent upon their votes, and may be amenable to their wants?—An odd vote or two would not be likely to affect a Minister.

D263. I do not say one or two. You may have a small number, but, assuming they have adequate representation in the Legislature, would not the Minister be dependent upon their votes, and, therefore, he might be more amenable to their wants?—Theoretically, but not in practice. Their numbers would be so small.

Dr. B. R. Ambedkar.] In politics a single vote might turn the balance.

Lord Eustace Percy.

D264. I thought Dr. Hutton's recommendation was that they should be excluded from the purview not only of the Province but of the Governor also, and that they should be administered from the centre. Is not that so?—That is what I should on the whole, prefer. I have stated in my memorandum that in the case of the proposals of the White Paper for the totally excluded areas in which the Governor acts as the agent of the Governor-General, the White Paper proposal is satisfactory. I do not say I should prefer it.

D265. I thought from your proposals for setting up petty States that you intended that it should as far as possible be a central function?—My intention was that it should be central as far as possible, certainly.

Dr. B. R. Ambedkar.

D266. Even in that case, the criticism I have offered would be equally applicable even if the subject was made central, because the Governor would have to certify the amount necessary for the administration of the subject and, if the Ministers in the Central Government objected to spending that amount of money, the conflict would still be there; it would only be transferred from the Provincial Field to the Central Field?—I am assuming the Minister would not have a word in it.

Dr. B. R. Ambedkar.] But my point is that the Minister would have a word, because there would be other rival claims for the expenditure, and a Minister cannot be expected to be interested in primitive peoples who are not part of the Legislature.

Dr. Shafa'at Ahmad Khan ] Would not the representatives of the primitive people in the Legislature generally combine with the depressed classes?

Dr. B. R. Ambedkar.

D267. That is what I am visualising, and, therefore, they would have many friends?—I do not think the representation would be affected.

D268. If I felt as pessimistic as you feel I should at once say. "I do not want this constitution at all"—But I do not, for the primitive tribes.

Lord Eustace Percy.

D269 May I ask one or two questions, Dr Hutton, first on a special point which is not covered by your memorandum? You may have seen a letter in the Press the other day, raising the question of the delimitation of the Assam-Burma Frontier in connection with the primitive tribes?—No; I did not see the letter.

D270 Have you got any views, supposing that Burma were separated from India, as to the desirability of changing the present Frontier so as to have a homogeneous block?—I think what I proposed to the Government of Assam, but it would not meet with approval there, was that there should be a sub-Province of Burma which would embrace the North-East Frontier Districts of Assam with the North-West Frontier Districts of Burma. The people in Assam on the Assam side of the present boundary are much nearer to the Burmese than they are to the Indians. Their languages are exactly the same in some cases as those on the Burma side, and there is no difference of race at all, and there is constant communication, so far as there is any communication at all—it runs across from the Hukong Valley into the Naga Hills on the Assam side. I think it would be impossible to put the Assam Districts directly under a Burmese administration because of the difficulties of language and of the distances and of communication through the hills but I do think you could establish a centre somewhere near Manipore, for instance, from which it would be possible to administer as Commissioner or Chief Commissioner, under the Burma Government, a block of Frontier Districts of Assam and North-West Burma.

D271. I suppose in the event of a separation between Burma and India the military strategists might raise objections to that on grounds of forming a

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[Continued.]

defensible frontier?—Between Burma and India?

D272. Yes—supposing we are going to argue those questions between the two places?—I do not know how the military strategists would make objections to that frontier; it is a very difficult frontier indeed. There are only three possible routes for a railway, I believe, through from Assam to Burma.

Sir *Harī Singh Gour.*] What about the air?

Lord *Eustace Percy.*

D273. We cannot go into that. Perhaps, Dr. Hutton, if on thinking it over you have any further views which you would like to state on that question of the rectification of frontier or special arrangements of that kind you would send them in to the Committee, would you?—Yes, I will certainly.

D274. Now I should like to get clear, if I might (I am still not very clear about it), the precise difference between the proposals you have put forward and the proposals in the White Paper. Take the totally excluded areas. I understand, of course, that you attach importance to the maximum number of areas being totally excluded, but apart from that on the whole you regard the White Paper provisions as to totally excluded areas as fairly satisfactory?—Yes, the proposals are fairly satisfactory.

D275. And Commander James agrees, except that he wishes—?—(Wing-Commander *James.*) Further delimitation.

D276. And you wish specifically to put the excluded areas under a Central Government and not under the Province?—As the Simon Commission recommended.

D277. You are not content with the fact that under the White Paper proposals the Governor will administer them directly in his own responsibility and, doing so, will be subject to the directions of the Governor-General, as he is in all respects in which he is not a constitutional Governor?—No; I am apprehensive of the phrase “for the time being” in paragraph 107.

D278. “For the time being declared to be an excluded area”?—Yes, “for the time being”—what does that mean?

D279. I thought Dr. Hutton had already given evidence that he did not necessarily want the exclusion to be permanent—for all time?—No.

D280. That is what “for the time being” means, is it not?—The whittling down in the White Paper is so exten-

sive that I am made suspicious of mere phrases.

D281. We will see before I have finished my questions as to how extensive it is, but in any case except for those words, “for the time being,” which have not struck me as being very sinister, you are more or less satisfied?—Yes.

D282. What I do not understand about Dr. Hutton's and Commander James's evidence with regard to the administration of these areas is this: I gather that the property, as it were, in the whole area, being outside the White Paper, being outside the Province, would vest in the Central Government or in the Provincial Government. I am thinking of the forests—what under your idea of an area so completely excluded might be erected into a petty State of its own: How would you reconcile the administration of forests in which the Province might be extremely interested, as affecting water and so on in the Province, with the Provincial administration of forests as a whole and with the Provincial agricultural policy as a whole?—I think it is a matter for further inquiry. As I say, I did not put forward a cut and dried watertight scheme.

D283. You have been speaking of a conflict between the Governor and his Ministers, but surely a conflict between a separate forestal administrative service run from the centre and the interests of the Province which may depend upon the forests which it controls is a far more dangerous source of conflict, is it not?—It might be, but presumably the Simon Commission when they made their recommendations had that in mind.

Lord *Eustace Percy.*] We have got to form our own opinion; we cannot take the Simon Commission, of course.

Major *Attles.*

D284. I do not think the Simon Commission recommended the forests from your point of view at all. The forests were recommended by the Simon Commission to be transferred?—No. I put that forward as a suggestion for the economical administration of an excluded area.

Lord *Eustace Percy.*] Perhaps Dr. Hutton will deal with this difficulty, because I do not understand what a totally excluded area is in which the provincial forest official and the provincial forest policy prevails.

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Dr. B. R. Ambedkar.

D285. If I may say so, the area is not excluded; it is the people who are excluded?—(Dr. Hutton.) No, the area is excluded, as I read the White Paper. Is there any definition of a totally excluded area in the White Paper?

Lord Eustace Percy.

D286. No, there is not?—If the area is excluded, clearly the forest must be excluded also.

D287. And it is essential to your proposals that it should be the area which is excluded because you want the whole administration of land ownership to be in the hands of the excluded administration?—Yes, certainly, but I see that the funds for the administration need not necessarily be drawn directly from the revenue of a given district.

D288. No, I was not thinking of that, but I suppose among these totally excluded areas that you have recommended on page 20 of your Memorandum there are several in which the Province as a whole is very much interested in the soundness of the afforestation policy?—I do not think there are very many in the Assam frontier districts. The forests have been mostly already excluded and put down into the plains districts adjoining. The Mikir Hills, I think, have no valuable forests. The Garo Hills have valuable forests—that is one.

D289. I am not talking of the intrinsic value of the forest in itself but the value of the forest existing, so to speak, to prevent denudation?—I think you must separate that. The principle of denudation raises the whole question of cultivation. It is an extraordinarily difficult thing.

D290. When you say you must separate it, how do you mean?—You must treat it as excluded from the purview of the Provincial Council.

D291. And the Provincial Council would have to trust to the good will of the Central Government—because that is what it comes to?—Yes.

Sir Reginald Craddock.

D292. I was just going to say apropos of what was going on that the tribal tract, if you set it up, would be governed by regulations, would it not?—Yes.

D293. Therefore you could make regulations about the forest if you wished?—Yes.

Sir Hari Singh Gour.] Under the White Paper scheme.

Lord Eustace Percy.] I quite see that under the White Paper, only if you emphasise the Central Government's control over it you do have more or less possibly a conflict of jurisdiction between the Central Government and the Province  
Sir Reginald Craddock.] Yes.

Major Attlee.

D294. Does not the same difficulty arise where you have separate Provinces; one perhaps may be interested in a part of it from the point of view of water supply and so forth?—Yes, that might easily arise, it has arisen.

Lord Eustace Percy.

D295. I will not keep the Committee a moment, but coming to partially excluded areas, you agree that there must be some areas which unfortunately for them from that point of view could only be partially excluded?—Yes.

D296. Under the White Paper you have a power in the Governor with the consent of the Governor-General to repeal any law applying to those areas which I understand would include excluding the jurisdiction of the High Court in any matters which the Governor-General might please, and so far as I can see under the White Paper the Governor has complete power, acting in his discretion, under the instructions of the Governor-General, to sterilise that area, as it were, from the influence of the Province so far as the body of law in the Province is concerned?—Yes.

D297. I will come on to the question of administration later; but so far as law and the jurisdiction of the High Courts are concerned I do not quite understand what your proposals would add to those? The position is so obscure that it is not known in Assam how an appeal lying from a partially excluded area would be disposed of or who would dispose of it. I believe I am right in saying that the question has been already discussed provincially and no certain interpretation has been reached as to what would happen under the existing proposals.

D298. What will happen under these proposals?—Yes. There is no certainty as to whom an appeal lies. Who will hear an appeal from an order passed in a partially excluded area? The appeal at present, if the area is a non-regula-



16<sup>o</sup> Octobrs, 1933.] Wing-Commander A. W. H. JAMES, M.C., [Continued.  
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tion district in Assam, is heard by the Governor sitting with a Legal Remembrancer.

D299. Surely under paragraph 108 it is perfectly clear that the appeal may be anything that the Governor-General lays down?—They have not taken that view in Assam

D300. The words I am referring to are: "The Governor will also be empowered at his discretion to make Regulations for the peace and good government of any area which is for the time being an Excluded Area or a Partially Excluded Area and will be competent by any Regulation so made to repeal or amend any Act of the Federal Legislature or of the Provincial Legislature which is, for the time being, applicable to the area in question"?—Yes. It does not give any guidance as to the actual disposal of business arising under a law.

Lord Eustace Percy.] The Regulations which can make law can surely determine the administration of the law.

Dr. Shafa'at Ahmed Khan.

D301. Can the Constitution Act as such go into all these details?—No, I do not know that it can. I happen to have had a letter from a colleague in Assam who was called to sit at a discussion which took place at the Headquarters of Government as to how under the White Paper the new Constitution—assuming that the White Paper is accepted as it stands—would act in regard to the Excluded and Partially Excluded Areas. The question that arose was: Would a criminal appeal from a Partially Excluded Area be heard by the Governor or would it be disposed of by the Ministers? There is nothing to show that here.

Lord Eustace Percy.

D302. As you will realise, the White Paper is not a legal draft?—Yes, I realise that.

D303. But anyway, so far as that is concerned, there does not seem to be very much difference between your proposals and my interpretation of the proposals of the White Paper?—No.

D304. Then as regards administration, I gather that your proposals confine themselves to this really, that the Governor should have power to instruct any officer in a Partially Excluded Area to exercise any powers of expelling undesirable residents in that area?—Yes. It would be very difficult to exercise powers in the Partially Excluded Areas.

D305. That is what I was going to put to you?—That is why I am pressing for greater use of total exclusion.

D306. I was just going to ask you whether you saw how such a power could in practice be used except within very narrow limits?—It would be very difficult indeed in Partially Excluded Areas. I am not sure that it could be exercised.

D307. I think that is all I have got to ask you. I do not know whether you would like to add anything to your evidence, Dr. Hutton?—No, I do not think I have anything to add.

D308. Or you, Commander James?—(Wing-Commander James.) I would only like to say this, that I have not put forward any of these suggestions with a view to being obstructive to the White Paper proposals; in fact, my idea was solely to make the White Paper proposals more workable by not mixing up the very small boys with the big boys.

Lord Eustace Percy.] I quite understand. I think you have put the issues very clearly before us.

Mr. R. A. Butler.] I think we all understand that, if I may say so.

Lord Eustace Percy.] We are very grateful to you, gentlemen. Thank you very much.

(The witnesses are directed to withdraw.)



APPENDIX D.

STATEMENT BY LIEUT.-COLONEL SIR HENRY GIDNEY, I.M.S. (retired).

(See Question 16,111)

I desire to appeal not only to those Members of the Joint Select Committee who will draw up and sign the Report, but to my Indian fellow citizens on the British India Delegation.

Before the curtain falls on the stage on which we are enacting one of the last scenes of the last Act of our joint deliberations, I feel it a sacred duty to my Community, maybe my last effort, to place before you an appeal. In doing so, let me assure you and the British Parliament that the Community, through me, does not approach you as beggars, but as suitors in a just and honourable cause. I speak on behalf of a Community that is devoted to India—its Motherland—and anxious for her advance, but it must be admitted under some suspicion, because of its unflinching loyalty to its Fatherland, England. Let me assure you that, whatever may be the case with other Communities, the loyalty of Anglo-Indians is to both England and India, it must be so. In the fusion of these two countries, we find our truest welfare and in the growth of affection, trust and co-operation between them, we find our highest contentment. In short, my Lord Chairman, the Anglo-Indian Community is the joint responsibility of both England and India and everyone present in this room is a co-Trustee of this responsibility and neither can disclaim its honourable obligations to protect us. In the concluding chapter of my Memorandum, I ended with the appeal which was questioned and misinterpreted by an Indian Delegate "O, England! who are these if not thy sons?" Surely no one in this room will deny the truth that as "sons of England", we are England's hostages to India and as "sons of India", we are committed to her care and, will anyone here, after examining his conscience, disagree with me when I state that, those who give and those who receive hostages are in honour bound to regard them as a sacred trust. This forms the nucleus of my appeal to those who are about to draw up the draft report of the new Constitution Act and who will sign it.

I have devoted many pages of my Memorandum to detailing the great and abiding services rendered by the Community, to England, the Empire and India in particular, services unparalleled in any part of the British Empire. Great as these services have been in the past and every page of Indian history bears evidence of these records, they have not been in any way less in recent times. It has been said that no Community can live on its past and attempts were made during my examination to question my efforts when I placed my demands on the past services of the Community's loyalty, of patriotism unparalleled in any part of the Empire and a devotion to duty, which is mirrored in the splendid services, especially the lines of communication and transport, which we see operating in India to-day.

I may be permitted to ask, for what reason has the White Paper recommended concessions (may I call them anomalies?) to various Communities and States and recommended their incorporation in the Constitution Act? Has not that great Community, the Muslim Community received or been promised support for its great *past* services for non-co-operating with the Congress and Civil Disobedience Movements? Has not the Sikh Community based its claim on its *past* Military Services? Are not the British firms receiving commercial protection to safeguard the millions of

pounds they have, in the *past*, sunk in India? Indeed, as has been admitted in the Montagu-Chelmsford Report, England gave the 1919 Reforms to India as a debt of gratitude for her *past* services during the War. Is the Anglo-Indian Community alone, though small in numbers, to be denied an equal right and equal claim to bring before the Committee, the great and abiding past services it has rendered to the British nation and the British Empire in India? These past and present services which stand to our credit are the basis on which I have drawn up my Memorandum and my demands. I have, I know, made a claim which to some may seem impracticable of incorporation as a clause in the Statute. If this be so, I ask, does not the White Paper contain and admit claims more impracticable and more anomalous in character? In any case, my claim remains a just and a reasonable one and, if that claim is admitted, it must be adequately protected, for I submit, with all respect, that this is an honourable duty on the part of every Englishman and every Indian. It has been said that, *pari passu* with other Communities, as a result of retrenchment and economy in India to-day, the Anglo-Indian Community is, in comparison, proportionately suffering and, during my examination, questions were asked me from various parts of the room to dispute the figures I had put forward in my Memorandum as representing the losses we had sustained in appointments, especially on Railways.

Let me, in a final effort, substantiate every grievance I have incorporated in my Memorandum.

Statement A. under Chapter "Railways", gives the total reduction per Community during the Quinquennium 1925/26 to 1929/30. From this, it will be seen that the Hindus are reduced by 10 per cent., the Muslims by 13 per cent. and the Anglo-Indians by 7 per cent. It was in these comparisons that some questionnaires tried to prove that the Anglo-Indian Community had not suffered as much as other Communities and it, therefore, had no cause for complaint. This assumption, in my opinion, is quite wrong (and here I must again repeat my conviction that the Muslims are hopelessly and inadequately employed in Government services and I should hail the day when they receive their proper share) because, these losses in as far as they refer to other Indian communities, are mainly confined to the menial staff, such as Railway workshops and maintenance departments and not to those appointments which demand a certain degree of efficiency in English and for which *alone* Anglo-Indians are competitors and in which they are to-day employed. I refer to Subordinate appointments, both upper and lower. It is in these appointments that Anglo-Indians have been largely retrenched and I repeat, in *higher* percentages than any other Community. A reference to Statement B. Railways, page 20 of my Memorandum, dealing with Subordinate appointments, with salaries rising to Rs.250 p.m. and over, will show that in 1925/26 the total number of these appointments in all Communities was 8,213, as against 8,591 in 1931/32, *but*, whereas the Anglo-Indian Community held 3,809 of these appointments in 1925/26, in 1931/32, they held only 3,629, a decrease of 180 positions. A detailed study of these figures will also show, beyond doubt, that the Hindus received during this period, an *increase* of 487 appointments and the Muslims an *increase* of 88, against an Anglo-Indian *decrease* of 180. The correctness of my statement that we have unduly suffered in these retrenchments is still further proved by a reference to Statements C. and D. page 21 of the Memorandum, from which it will be observed that during the 3 years 1929/32, when 1,003 new appointments were created, Anglo-Indians received 77 or 7.6 per cent. only, as against 658 or 63.7 per cent. to Hindus and 314 or 30.4 per cent. to "other classes". But my grievance is further supported by the figures for the period 1929/30 to 1931/32, during which years 655 of these appointments

were retrenched. Of this total, the Anglo-Indian was called upon to bear 257 of these retrenched positions, in other words, 39.3 per cent., indeed, if a combined total of European and Anglo-Indian appointments retrenched were made (the number of Europeans retrenched was 153) it would make a total of 410 out of a total of 655 or about 62 per cent. and, remember that about 50 per cent. of the balance left are men nearing superannuation. Statement D. shows a similar condition concerning Anglo-Indians in the Gazetted Officers' Department of Railways and proves that, during the years 1927/28 to 1931/32, the number of appointments of Anglo-Indians which were *retrenched* was 52 or 28.5 per cent., as against an *increase* of 81 per cent. Hindus and 10.5 per cent. Muslims and I should like to emphasise the extraordinary fact that these retrenchments of Anglo-Indians and the increase of other Communities in the official ranks occurred during the two years ending March 1931, which were characterised by heavy retrenchments of officials. These figures conclusively prove, on the one hand, that, while Anglo-Indians are made to bear the brunt of these retrenchments, they are not being recruited in sufficient numbers to fill up their vacancies. To augment and justify my grievance, let me refer you to page 10 of my Memorandum, which deals with the retrenchments that have recently taken place in the various Departments of the Government of India Secretariat, under the personal Supervision of the Ministers forming His Excellency, the Viceroy's Council. A reference to these figures will show that in a total retrenchment of 72 appointments in the Secretariat, there were 26 Anglo-Indians and 11 Europeans, many of whom were Domiciled Europeans, this works out at 22.2 per cent. of Anglo-Indians and 26.1 per cent. of Europeans, a total of 48.3 per cent. of the appointments that have recently been retrenched, as compared with 4.5 per cent. of Hindus. I have emphasised these figures to prove conclusively that the economic position of the Anglo-Indian Community is being steadily and insidiously prejudiced in the operation of the day-to-day administration of all Government Departments and it is just in these matters that the Community desires protection and which is not to be found in the White Paper, indeed the White Paper specifically states that it is not the intention of the Governor-General or the Governor to interfere with the day-to-day administration of any Department, which means that such safeguards afford absolutely no protection whatever to the Anglo-Indian Community.

Other Delegates seemed to try to discredit the total number of unemployed in the ranks of the Community to-day, the result very largely of Indianisation of the Services and by speedy, mathematical deductions, endeavoured to prove that, with the numbers of working men in the Community and the number stated to be employed, the figure given by me was not a correct one. Let me impress on this Committee that the total of about 20,000 unemployed in the Community is approximately correct and includes both men and women of both the Anglo-Indian and Domiciled European Communities. But, apart from these considerations, let me, in the name of the Community whom the British nation has called into being, the result of the official policy of the Government of India from the John Company days, impress on you, that it matters not whether you call this Community "Statutory Indians", "Anglo-Indians", "Domiciled Europeans" or by any other name, in any case, Indians, who desire employment, will continue to look upon the Community, for occupational purposes as foreigners and aliens, as much as they do the purest blooded Englishman. The undeniable fact which the Committee must keep prominently before its mind when it decides on a clause for incorporation in the Statute, giving us economic protection is, that in India the Anglo-Indian is considered as nothing else but an alien and a foreigner and the Councils Act of 1870 affords him no economic protection nor does the present

Instrument of Instructions to Governors. A new orientation has arisen and must be met by new methods. Sympathy, pious hopes, persuasions and the goodwill of other Communities and Ministers will afford us no economic protection. Nothing but a clause in the Act can be of any practical use to us in our desperate condition to-day, a condition which cannot be met by half measures of communal goodwill and tolerance and, what is more, the Governor-General and Governors must have the executive power to put into operation, measures needed for our economic protection and periodically to examine the situation.

With no new appointments being created to-day, I challenge any member of Government or any Indian, to deny the fact that every appointment that is given to an Indian to-day is taken away either from a European or an Anglo-Indian and yet, an Anglo-Indian is a Statutory Native of India and is advised to accept such a status. Surely it is wrong to deprive one section of Indian to supply another. This surely is differential treatment with a vengeance and clearly proves that even the Government looks upon Anglo-Indians as a sect apart from other Indians and, I ask, it is surprising that Indians should look upon us as aliens? And so it matters not what is contained in the Instrument of Instructions or what directions are communicated to Governors or the Public Services Commissions, because the only effective power that will work these instructions, must be and will be, in the hands of Ministers who control these Departments and neither the Governor-General nor the Governor is expected to interfere in these Transferred Departments. It is just here where the Anglo-Indian Community has suffered and will continue to suffer and it is for this reason that no Instrument of Instructions except one on a Statutory basis will effectively protect us. I repeat this can only be done by the Constitution Act. I do not say this in disparagement of Ministers, but "blood is thicker than water" and it is only natural that the Anglo-Indian will not be recruited, as one sees to-day. We see this exclusion going on steadily and insidiously to-day, in the day-to-day administration of every Department and in some cases, to such an extent that the Anglo-Indian is practically extinct from Services he has helped to build up.

I believe the British nation is a grateful nation to its servants. Surely the British nation cannot forget the debt of gratitude it owes to this small Anglo-Indian Community that it has created, nor can any reasonable Indian do the same. You can, by not affording us adequate statutory protection, within a few years dispossess us of all the appointments we hold to-day, but if this is done, it will be to the eternal discredit of both the British and Indian nations. For centuries, the Anglo-Indian Community has followed in the steps of his British forbears; he has fought with him in every Empire War, even stood by him behind his mud walls, defending his property in the early John Company days and, for King and glory, their bloods have mixed, both in life while building up the Indian Empire and in death when they have lain dead side by side on all battlefields in India and elsewhere. In short, we have lived together, we have built up India together, we have fought together and we have died together. To-day you are leaving us and are giving India a larger measure of responsibility. I join with you in that effort, for India's advance is my advance, but when this full measure of responsible Government has been given to India, I beg each one of the Members of this Honourable Committee, before he signs the Report, to put his hand on his heart, examine his conscience and ask himself, "what will be the fate of our descendants and kinsmen in India?", kinsmen, whom certain sections of Indians refuse to identify as sons of the soil, kinsmen who have been refused identification even by Englishmen, the nation who gave birth to him. The apparent "Not wanted". Surely, under such circumstances,

the Community whom I have the honour to represent, has every justification in claiming adequate statutory safeguards from the British Parliament. Our origin, our religion, our education, our manners, our culture, our appointments in Public Services, all of which have been represented in my Memorandum, must be protected and, if India is to be given a large measure of self Government, England, as represented in you honourable gentlemen of the Committee, must, in your report, demand and see that Parliament guarantees and India gives and operates effective protection to the Anglo-Indian and Domiciled European Citizens of India, who are beyond doubt, one of the most loyal communities that His Majesty the King and the British Empire possess to-day. I would beg of this Committee not to repeat the error made in regard to Irish loyalists in Ireland, those Loyalists whose interests we were told in 1922 were abundantly safeguarded and who are at this hour starving and proscribed. If we are not adequately protected, I fear a similar fate awaits us, the Anglo-Indian Loyalists and the Government will only have created another discontented and turbulent Ulster.

I cannot conclude my appeal without quoting from the words of that astute Statesman, who happily is one of the honoured members of this Committee—I refer to my colleague Sir Austen Chamberlain—who in a recent speech on India said “Now and again in the affairs of men, there comes a time when courage is safer than prudence”. With my apologies to him, may I be permitted to transpose that and offer it as my appeal to the Select Committee, “Now and again in the affairs of a nation, there comes a moment when loyalty is of more value than any other quality”.



